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VIEWS AND REVIEWS

Petty Graft

Will the legislature
take care of the boys?
So asked the Kansas

City Citizens' League at the beginning of the present legislature. The running expenses of the last Missouri session were more than \$500,000. The Senate of 34 members required the services of 460 employes or about fourteen flunkies per member. A representative existed with less help. The 142 house members favored themselves with only 295 employes. Steps toward reform were taken at the present session under pressure by the Citizens' League.

A few years ago Governor Clark of Iowa asserted that most legislative help, so called, was "pure, unadulterated graft." Nevertheless most legislatures succumb to the temptation and clean up only when the absurdity of the situation has been well advertised. Wisconsin found that she secured greater efficiency and reduced expense by providing that legislative employes be selected from an eligible list furnished by the civil service commission.

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The Controlled Executive How can parliamentary government be introduced into the United States without amending the constitution is a question sometimes

proposed to college classes to test their grasp of political science. That anyone should seriously ask this question comes as a shock to many familiar with rigid, written constitutions which, we are told, can be amended only by a fixed legal process. And yet the governor of Wisconsin has made a recommendation to the legislature of that state which would start us on the way towards parliamentary government without changing a comma of the constitution. He finds that under the Wisconsin system of executive boards the administrative bodies are not responsible to the people. Such responsibility can only be secured by making them answerable to the legislature. And so he tells the legislature that "To bring about the desired object it will be necessary to supplement legislation which gives the legislature the right to interrogate members of the several boards and commissions and lodge the power in the legislature to remove such members."

The governor's proposal is more than a personal hobby. A bill providing that appointive officers could be removed by vote of the legislature after a hearing before that body passed both houses at the last session but did not survive its veto by the governor then in office.

Many State Constitutions Amended

The voters of thirty-three states passed on amendments to their constitutions at the election last November. Tax provisions and salary increases occupied the most prominent place in the catalog of proposals. The people had evidently begun a "buyers' strike" since the six amendments to increase the salaries of governors, legislators or other state officers all failed. South Dakota even refused to grant the legislature full power to fix all salaries. Some proposals to uncover new sources of taxation succeeded; a good many failed. Amendments authorizing taxes on income failed in three states (Minnesota, Maine and New Hampshire) and carried in one (North Carolina). Single tax amendments, popularly initiated in California and Oregon, were defeated by huge majorities. An excess condemnation provision was defeated in Michigan. All the seven propositions submitted by the New Hampshire constitutional convention failed to secure the two-thirds vote necessary to adoption. In South Dakota the legislature was authorized to establish a system of credits to aid in home building. An amendment requiring serial bonds for state debts was carried in New York. Amendments tampering with the initiative and referendum failed in Arkansas and California.

While probably the usual number went to the polls prepared to vote yes or no on all amendments, a large number exercised discrimination whenever their intelligence was not insulted by the triviality of the question submitted. When a constitution is so involved that some details have to be changed each election, the people naturally grow weary. Demos insists upon delegating detail.

The Direct Primary and the Short Ballot

In an article in last month's REVIEW Professor Merriam pointed out that much of the disappointment with the direct primary should properly be attributed to other shortcomings in our governmental system. For example, it is futile to expect any nominating system to function well if, because of the multiplicity of candidates, the election system itself is not satisfactory. Nevertheless the "bosses" never welcomed the primary and they have seized the present moment, when as a nation we seem to be in the trough of reaction and pessimism, to attempt its overthrow.

When official opinion on this subject is for the most part so shallow, it is refreshing to find two state governors who dare to inquire why the primary has not fulfilled early hopes. Let us hear the West first. Governor Dixon of Montana defends the primary and tells his legislature:

The most plausible argument advanced against the present primary law is that the voters cannot know the personal qualifications of the long list of candidates for the various minor offices.

Of course they do not, but they do have an opinion regarding the merits of the candidates for governor and senator and congressman.

And now the East will match the wisdom of the West. Governor Cox of Massachusetts confirms the criticism stated above and tells his legislature:

So many candidates seek (the many offices to be filled at a state-wide primary) that it is extremely difficult for even the careful voter to learn of the relative merits of the various candidates. . . . The chief objection to the present system of direct nomination in Massachusetts would in my judgment be removed by the adoption of the short ballot.

The more you think of it, the more you become convinced that the long ballot, inherited from the New England town meeting, figures in most of our political ailments.

ENGLISH LOCAL GOVERNMENT OFFICERS ORGANIZES A TRADE UNION

BY L. HILL

General Secretary, National Association of Local Government Officers, London, England

THE EDITOR has asked me to give the principal motives which have moved the National Association of Local Government Officers to become a trade union and to state how it will affect the status of local government officers. Both parts of the question are difficult to answer with any degree of definiteness. If we accept the statement that "a trade union is as trade union does" the N.A.L.G.O. has been a trade union many years. The decision of the last annual conference of the association (held in May, 1920) to establish the association as a bona fide trade union means nothing more than obtaining the certificate of the registrar that the association is a trade union as defined by the trade union act of 1913.

The registrar's recognition does not in any way affect the policy of the association. It must, however, be acknowledged that a large number of members believe the step gives some magic power and promises a "short cut" to better service conditions. The keen desire for a "short cut" is due in some measure to the reluctance of many local authorities to revise the salaries of their officers in closer relation to the post-war range of values. Another "cause" is the ready manner in which the trade unions of workmen (as distinct from officials) have secured higher wages. The advent of Whitleyism for regulating conditions between employers and employed is another.

It can also be stated that it is the wish of the government of this country

to see every profession and occupation effectively organised on both sides, i.e. organisations of employers and organisations or trade unions of employes, therefore, apart from the direct incentives of isolated cases it is the present atmosphere or general tendency to organise on trade union lines that is the principal motive behind the recent decision of the N.A.L.G.O. It is something "felt" rather than "defined." Amongst the direct incentives may be mentioned the changed outlook of a very large number of men who served with the army during the war; the obstinate refusal of many authorities to grant reasonable increases of salary to the officials (whilst granting readily practically every demand for increased wages for organised workmen), and the decidedly favourable attitude towards the officers of local authorities mainly or wholly composed of "labour" representatives.

Amongst the general influences is the growth of organisation for "trade union" purposes amongst the professional, administrative and clerical workers in this country. There is, however, a difference between the general body of the "salariat" (as they have been termed) and the local government officer and his colleague, the civil servant. Local government officers, like civil servants, are public servants, the servants of all parties and classes, and there is still a very large majority who maintain that the association should not under any circumstances ally itself with any political party.

PRESENT POSITION PRECARIOUS

On the other hand, there is every reason why local government officers should be more keenly and effectively organised. Their position at the present time is extremely precarious, and no class of worker is in greater need of a powerful defensive organisation. The local government officer is perhaps placed in a worse position than the civil servant, because the salaries and service conditions of the former are always the subject of local comment and no item can be made so popular at the municipal elections. Another disadvantage is the ever changing personnel of elected members of town councils who are for the time being employers of local government officers. The constant changes in this direction mean that past and faithful service is very often entirely forgotten. The bulk of the work carried out by local government officers is enacted by parliament, authorised by government departments, and generally speaking of equal national importance to that of civil servants. The average "ratepayer," however, does not appreciate that and there is great need for a campaign to educate the "man in the street" to the value of local government.

It has been said that local government in this country is more closely identified with the welfare and comfort of every man, woman, and child, than any other contemporary influence. On the other hand the value of their services is more often than not measured by the ordinary ratepayer according to the degree of his antipathy to rates. The war has emphasized the peculiar position of the local government officer. During the first few years of the war local authorities generally expected their officers, as public servants, to be patriotic and

forgo the usual advances of salary; very few advances of salary were granted during the first two or three years of the war. It was not until towards the end of the war when the cost of living had so increased that local government officers were recognised as being entitled to some relief from the changed economic conditions, but now, and before every officer has received adequate compensation, there is the cry for economy.

With the imperial parliament finding itself more and more occupied with the reorganisation of the empire, it is forced to delegate greater responsibilities and additional duties to local authorities. The local government service is not only burdened with the accumulated neglect of six war years but has been given a tremendous number of additional duties and responsibilities, all of which means that the local government officer is to-day more than ever in the past entitled to adequate remuneration and service conditions, but the appeal for recognition in this respect is being met with the economy wail. "Economy" and "additional duties" provide a double-barrelled problem for the local government officer to-day. It is not difficult to reconcile this problem because the "development of administration" and "retrenchment in expenditure" each come from different sources, one by national legislation and the other by local public agitation. The members of the N.A.L.G.O. have, during the past eighteen months, realised all this and they feel there must be no misunderstanding their objects. There is, however, very little danger that local government officers will forget that their first duty is to the public and the mere technical step of securing the trade union certificate will not in any way lower the status of the service as a whole.

TAXES AND THE SHORT BALLOT

TWENTY-FIVE GOVERNORS RECOMMEND ADMINISTRATIVE REORGANIZATION

BY H. W. DODDS

THE movement to consolidate and simplify state administrative organization was never so promising as to-day.

More than half the legislatures which assembled last January were advised by executive message to undertake reorganization. All these recommendations point the same direction—towards elimination of numerous departments and bureaus in favor of single heads chosen by the governor. The explanation of awakened gubernatorial interest in administrative reform is simple. Taxes are high. Indications are that state and municipal taxes will be higher. But prices have fallen and will fall lower. One who is not a prophet nor the son of a prophet can foretell that high taxes will be less popular than ever. Even a newly elected governor knows that the people believe him to be the head of the state government. In view of the effectiveness of the economy plea in the last campaign he will undoubtedly confess to a feeling of uneasiness. Accordingly we find in a majority of executive messages unequivocal demands for economy followed by constructive suggestions for eliminating waste through administrative reorganization.

PLANS BEING CONSIDERED

In a number of states specific plans are before the legislature, prepared by official or civic agencies. A complete reorganization scheme for Arizona was drawn up under the auspices of the National Municipal League by Mr.

A. E. Buck, and is being transmitted to the legislature accompanied by a special message from the governor. Two plans were proposed—one without constitutional changes for immediate action, and one requiring constitutional revision. The latter plan would consolidate some fifty administrative offices and agencies into ten departments, each with a single head appointed by the governor. The governor and auditor would be the only elective officials and their terms of office would be extended from two to four years. About ninety different officials under the existing arrangement would be abolished and their functions transferred to the directors of the ten proposed departments and two or three subsidiary boards.

A special joint committee of the Ohio legislature has proposed, after two years' study, a simplified plan for that state. Dr. Don C. Sowers was the executive secretary of the committee, and with the help of a corps of experts is responsible for the report. Although it is yet too soon to know what action will be taken by the legislature, both houses have appointed special committees to co-operate with the governor. The retiring governor and the new incumbent urged reorganization in their messages. Governor Davis has called in as consultant Mr. George E. Frazer of Chicago, who helped Governor Lowden with the new Illinois code. Two years ago, when the special Ohio committee was appointed, the governor was Democratic and the legislature

Republican. Now that both are Republican it remains to be seen whether the zeal of the legislature has survived unabated. The plan as proposed by Dr. Sowers reduces the elective officers from six to three; leaving only the governor, lieutenant-governor, and auditor. Activities now performed by thirty-six independent boards and commissions would be combined into thirteen major departments with heads appointed by the governor. Boards would be retained for the health and education departments and the industrial and public utilities commissions would constitute departments. A new department of finance would take over many of the functions of the present auditor. The plan is in accord with the best principles.

Governor Hart of Washington has had a complete administrative code introduced which will abolish seventy existing offices, boards, etc. Their functions will be taken over by ten departments under single heads chosen by the governor. In nearly every instance the departmental directors appoint their subordinates. The governor and directors constitute an administrative board with certain general powers over the various departments. This is an interesting recognition of the governor's cabinet. The bill is declared to be an emergency measure to take effect immediately in order to bring the cost of government within the possible revenues of the state. At this writing the bill has passed the house and is before the senate.

In Michigan, following Governor Groesbeck's message outlining limited departmental consolidation, a joint legislative committee has been authorized. The resolution suggests an exhaustive investigation. The governor's recommendations, however, are marred by his proposed administrative board of five elective officers with

supervision over administration and expenditures. The Michigan Community Council Commission has gone further than the governor and prepared a complete scheme of consolidation. Their proposed organization chart as published shows ten departments under directors appointed by the governor, and only two elected officers, the governor and auditor, the latter being also the lieutenant-governor, who is to appoint three unpaid inspecting boards. The plan suggests a painless method of extirpating the lieutenant-governor. It is yet too early to know how much of this plan will be accepted by the legislature. The Detroit Bureau of Governmental Research was consulted in preparing the report.

Governor Hyde of Missouri devoted a prominent place in his inaugural address to the principles of administrative reform. The legislative program for consolidation announced by the state Republican committee groups the large number of independent activities into seven departments and two state boards. Bills are to be introduced carrying out these principles. They probably will be violently opposed as ripper legislation.

In California Governor Stephens has sent a special message to the legislature supporting eight bills for the consolidation of state agencies. The governor pays high tribute to the efficiency commission, which reported two years ago, and asserts that the higher efficiency of the department of agriculture, reorganized along the lines laid down by the commission, warrants the legislature in proceeding further. The California Taxpayers' League has been very active for several years and will again present a comprehensive plan to the legislature.

In addition to the plans here noted, a number of governors are recommend-

ing partial reorganization sound in theory, which, if adopted, will pave the way for complete reform later.

REORGANIZATION AS A MONEY SAVER

The governors hold out no alluring prospects of lower taxes. No sane observer expects this in view of the expanding scope of governmental activities. What our governors hope for is greatly increased efficiency in the work of the state, a result, hard perhaps to measure in dollars and cents, but real, nevertheless, and one which will serve to maintain the state's credit before the taxpayers. Realizing that the administration of state affairs is scattered among several scores of departments, boards, commissions, etc., they are painfully aware that theirs is a responsibility without power. In sheer self-protection a wise executive favors simplification of administrative machinery at a time when economy is on everyone's lips.

THE GOVERNORS SPEAK

Twenty-five governors discussed consolidation and the short ballot in their messages to legislatures convening in January. Three of these were retiring, and they spoke from the depths of experience. Thus Governor Goodrich of Indiana, who had seen four years of service, after referring to the belief that because the people elect a large number of public officials they control them, said:

The facts are that by the direct election of a large number of independent administrative officials, the public actually loses control of administrative agencies. The work of a large number of elected public offices and boards cannot possibly be subjected to continuous public scrutiny.

Elective offices, the duties of which for the most part are administrative, should be abolished. A large number of state boards should be eliminated, and the various functions of such

offices and boards should be consolidated with a few state departments which are responsible to one chief executive.

Governor Hyde of Missouri charged that decentralization, demanded by the political philosophy of fifty years ago, had aided in the development of invisible government and boss control as well as extravagance and waste. He, therefore, recommended "the reorganization of the various appointive administrative departments and their consolidation under as few responsible heads as is practicable." Governor Dixon of Montana spoke in the same vein:

Let us nominate and elect the chief executive of the state, then give him full power to name his assistants in administering the various departments of the state government, and we will know exactly where to place our finger in locating blame or praise. In that way only will we do away with this eternal pulling and hauling at Helena. In that way only will we get rid of these superfluous and overlapping jurisdictions of dozens of "state boards" and "commissions" with their army of tax-eating employes. In that way only can Montana secure efficient, economical government for our state affairs.

The "Chinese Puzzle" of state government in Montana is yearly becoming more and more complicated. We will never solve it until we cut the Gordian knot and enact the "short ballot" for elective officials.

A number of governors recommended that thorough plans of reorganization be prepared based on comprehensive surveys to be conducted by the legislature or special agents. The governors of Maryland and Kentucky have indicated that reorganization will have a prominent place on the program when their legislatures meet next year. The governors of Colorado and Michigan, although urging consolidation in many branches of the state administration, favored an administrative board of control with supervision over executive agencies. Co-ordination

through a central board is, however, an exceptional recommendation. For the most part, the governors are willing, even anxious, to accept full responsibility provided it is accompanied by authority commensurate with the position. Governor Dixon of Montana said:

Let us nominate and elect the chief executive of the state, then give him full power to name his assistants, and we will know exactly where to place our fingers in locating blame or praise.

Governor Cox of Massachusetts sees a growing tendency to look upon the governor as the head of the government, demands power to appoint his assistants and asks if it is not possible to carry further the spirit of the act of 1919.

COMMISSIONS AS EXECUTIVES

The executive messages of this year give added evidence that the board type of administrative head is not giving satisfaction. In all schemes for consolidation the abandonment of commissions for purely administrative purposes appears as an essential feature. Governor Miller of New York told his legislature, "A commission for

administrative work merely divides responsibility." Governor Preus of Minnesota particularly condemned ex-officio boards and commissions. Governor Blaine of Wisconsin, the one state whole heartedly committed to the board type, recommends reduction in the size of commissions wherever possible.

IS CONSOLIDATION WORTH WHILE?

In a supplement to the November 1920 REVIEW, Professor Mathews outlined the success of the first two years under the Illinois administrative code. Nebraska's new code has been in force less than two years. Governor McKelvie testifies as follows:

The operations of this plan of administrative organization have proven its practicability. Not only has it added greatly to efficiency in the administration of the state's business, but it has effected a genuine economy in the cost of administrative government within these departments. Moreover it has provided for an adequate control over reporting, auditing and expending the public money, so that I am able to report to you that for the first time in years the cost of government in these departments has been kept within the appropriations made by the legislature, and a balance of \$135,644.80 will have been saved, to be returned into the various funds at the end of the biennium.

DETROIT AND ITS NEW CHARTER

BY WILLIAM P. LOVETT

Executive Secretary, Detroit Citizens League

Detroit adopted a new charter in 1918 "as a war measure." The short ballot was not adopted in full, but a 42-man council elected from twenty-one wards gave way to a nine-man council under a strong mayor.

HAVING United States government attestation that it is the fourth city of the country in population, Detroit of course is proud of itself. But its people universally are quite as much pleased over the fact that during the war, and "as a war measure," they went through the procedure of drafting, adopting, and putting to work a new charter in which there is a unique combination of the board of directors principle, the general manager plan, and the ancient theory of an elective mayor and council.

After nearly two years of experience under this plan the great majority of tax payers and voters are satisfied. If this be too early to expect the reaction from reform, let it be said that the charter framers were wisely conservative, declining to attempt for the people so much reform at one time as to invite reaction. Since its adoption June 25, 1918, by a majority of almost eight to one, it has received nine amendments, none of which caused the slightest change in its fundamental principles.

THE CHARTER NOT RADICAL.

That it was not, is not, and cannot be expected to be a perfect charter is not only admitted but is affirmed with emphasis by the proponents of the project. They refused to drive their car of progress too far ahead of the masses of the people. They sought a modern consti-

tution in which local experience and local personnel were not shunted aside entirely. Thus they excluded at the time proportional representation, a city manager chosen by a commission, and insistence on one-man commissions. The accepted rule was to substitute one for more than one, but the exceptions, such as the water board, the arts, city plan, and other boards, prevailed wherever satisfactory results were being attained with division of responsibility.

Placing all governmental activities in charge of a mayor and nine councilmen, all chosen at large on a non-partisan ballot, and for a term of two years, the charter framers sought "business" system and efficiency, but without "cleaning the decks" of all experienced men. Their aim was humanness and results, regardless of theory. Their starting point was one enthusiastically acclaimed by the public generally: "Whatever you do, be sure to junk the old 42-man council and its vote-swapping league, abolish the 21-ward system entirely, wipe out camouflage party politics."

All this was based on a clean ballot and elections so near purity that it is said, "They ought to be pickled, lest they spoil." Every ballot of every citizen functions 100 per cent, hence no citizen has the excuse for indifference, "What's the use?" And this happy condition is as white against

black, when contrasted with the old days before Michigan (in 1916) abolished the saloon and with it saloon politics. In 1915 the state legislature, with a special act, enabled Detroit to clean up its elections. Democracy in the fourth city has been admittedly on the job ever since.

Of course in the headlines of the press, outside of Detroit, there is still a vexatious prevalence of crime, as elsewhere. The new municipal court has gone far to arrest that, however. Abnormal growth has brought its difficulties, such as lack of houses, and thousands of transients who never heard of civic interest. Our worst obstacle is the perennial controversy over street car transportation, which now for thirty years has disturbed our dreams and rasped our nerves. And if, a year or two hence, you hear of an upset in our system of government, lay it not to the system or the people but possibly to the transit issue which has become national in its reach.

A BUSINESS MAN MAYOR

A business man mayor we certainly have in James Couzens, elected two years ago on a platform which derided politics and politicians. Business men predominate in the nine-man council. Yet in cutting for an entirely new deal the people picked a mayor who already had made good as police commissioner. Of the council members, five were members of the old and grossly objectionable ward council—these five, however, standing for progress, and three of them known as of the minority. The salary is \$5,000. Out of sixty-six candidates before the primary election, two years ago, nine were chosen who are so representative of that number of different elements in the population as at times to require much time and talk to reach a decision, yet

as a body they harmonize among themselves on the main issues, and also with the mayor.

Few cities, big or little, are willing to put so much responsibility on their mayors as Detroit has done. When he is criticized, as he often is vigorously, it is retorted that he was elected by the people, with their eyes open; that "he surely is no politician"; that he is honest, absolutely frank, aggressively independent, and frequently too willing to assume responsibility; and that "those who are not pleased should wait till the next election." Among Mayor Couzens' admitted public virtues is the high standard he has set in the appointment of department heads.

POLITICS ADJOURNED!

No city of a million people can fail to turn up bitter differences of opinion now and then. We have had ours over salaries of school-teachers, the administration of the important department of recreation, and how to stop crime. But under the new system none has arisen seriously to cry "Politics!" There seems to be a popular subconsciousness of the fact that the government is almost perfectly representative of the kinds of people who make up the city; hence, even public officials are entitled to a square deal. The final answer to the superficial critic is to visit a few other cities of size, get the official atmosphere and then hurry back home! If that satisfies not, one need only be reminded of the old ward-aldermanic days—under the new régime there has been thus far not a smell or a scintilla of graft.

Young men of recognized ability and training have universally been named by the mayor as department heads. To enumerate by name would weary the reader and needlessly eat up space in the REVIEW. In Detroit no argu-

ments—and few questions on this score are heard. Besides choosing their mayor, council, and seven-member school board (one of whom is a woman) the people also showed judgment in selection of their city clerk and treasurer, the two department chiefs who are still elective. The at-large plan of elections here is taken for granted; we have none of the doubts recently expressed in Boston or Los Angeles. Our memory of the old ward system is too fresh and keen.

Of technical detail, justifying the new plan, there is a wealth awaiting later treatment. Suffice it now to conclude with the statement that the whole structure stands on democracy.

at its best. Popular action, expressed unofficially and wisely through the local press, has controlled. It was generated by co-operating agencies, chiefly inspired or practically led by the Detroit Citizens' League and the Detroit Bureau of Governmental Research. The nine charter commissioners themselves were nominated and elected at large, by the people.

With a continuance of clean elections, we can only hope for that other foundation stone of successful popular government, a continuance and normal growth of civic interest and citizen conscience. For we know that "Every city is governed as well as it deserves to be."

THE PENNSYLVANIA COMMISSION ON CONSTITUTIONAL AMENDMENT

BY E. LEWIS BURNHAM

Philadelphia Bureau of Municipal Research

When the legislature authorized a constitutional commission instead of a convention many Pennsylvanians feared it was a scheme for delay. To their surprise the commission has proved a most useful body :: :: :: :: :: :: :: :: :: :: ::

In the fall of 1918 William C. Sproul was elected governor of Pennsylvania, pledged to a program of constitutional revision. Between the election in November and the meeting of the legislature in January 1919, there was much discussion of this subject. The social and industrial unrest throughout the country was seized on by some as a reason for delay. Governor-elect Sproul in an interview late in November 1918 seemed inclined to hedge a little, and indicated that he was not sure it would be well to undertake revision, after all, within the next year. Senator Penrose, a month later, came out flatly against the calling of a

convention by the coming legislature, citing the disturbed conditions prevailing, and the absence of 300,000 soldiers. William Draper Lewis, dean of the University of Pennsylvania Law School, long an advocate of revision, urged that a board should first study the subject carefully, with a view to making specific recommendations to a convention to be called later. Among the staunchest advocates of revision were those interested in securing a new charter for Philadelphia,—the dominant issue before the legislature in 1919,—as they realized that fully half of the improvements in the city government that they sought, could be obtained only

through a revision of the organic law of the state.

As the session of the legislature progressed, it became evident that some step would be taken toward revision, and on March 11 the Crow bill was introduced providing for a commission of twenty five citizens to study the question of revision and amendment, and report to the session of 1921.

The friends of revision were divided in their views of this procedure. Some held that the creation of such a commission as that proposed by the Crow bill was merely a scheme for delay, and that its sponsors were actually hostile to any sincere attempt at revision. Others, however, felt that a commission could clear much of the ground, and that under this plan a convention, when called, could do its work more quickly.

THE COMMISSION ORGANIZED

The Crow bill passed the house in April, was passed without discussion by the Senate, and signed by Governor Sproul on June 4, 1919.

The commission of twenty five members authorized by the bill was not appointed until November 22. Of the twenty five citizens selected by the Governor in conformity with the act, eighteen were Republicans and seven Democrats. Two were women, representing the Women's State Republican Committee and the Pennsylvania League of Women Voters. Of the men, fourteen, including the chairman, who until December last was attorney general of the state, and is now a justice of the supreme court of Pennsylvania, and the present attorney general who succeeded him, were lawyers or jurists; three were publishers or journalists; two were educators; two were farmers, one was a forester, and one a labor leader. This preponder-

ance of the legal mind was perhaps natural in such a commission.

The commission promptly organized, with the appointment of William Draper Lewis as secretary, and divided itself into five committees, among which the several articles of the constitution were apportioned for study and consideration. These committees met between sessions of the commission to consider proposals respecting those articles of the constitution assigned to them. Dr. Lewis rendered invaluable service to the various committees in the preparation of briefs on the proposals brought before them, which were printed as part of the official records of the commission, and should prove of great value to any future constitutional convention, either in Pennsylvania or in any other state.

THE FIRST DRAFT

The commission met in the senate chamber at Harrisburg two or three days a week, from December 9 to February 11, by which time it had tentatively adopted a complete draft of a revised constitution. It then adjourned until April 6. This preliminary draft, as it was officially known, was printed and given wide circulation throughout the state, with the announcement that public hearings would be held at Harrisburg, beginning April 6, so that all who desired to appear before the commission might arrange to be heard.

The preliminary draft did not purport to represent the final judgment of the members of the commission, but was designed rather to draw out intelligent public opinion and thus afford the commission the advantage of constructive criticism before resuming its deliberations. It was in many respects gratifying to liberal sentiment throughout the state, and, it may be added,

was received with considerable surprise by those who, in view of the expressed attitude of many of the political leaders of the state, and the conservative temperament of the great majority of the members of the commission, had looked for little or no progressive results from the deliberations of this body.

The outstanding feature of the draft, from the liberal point of view, was the provision for a real budget system. Closely related to the budget provision was one specifying that appropriations to educational, beneficial and charitable institutions not wholly under the control of the state should be made in a lump sum to a class or classes of such institutions, thus eliminating much of the evil of the present log-rolling system of making specific appropriations from the state treasury to individual institutions of this character.

This preliminary draft contained a new article on municipalities, which were defined as including counties, cities, townships, boroughs, school districts, and incorporated districts. The existing provisions, in original form or as amended, dealing with these subjects in other articles of the present constitution, were grouped together in this new article, and certain new sections were added. Unfortunately, no home rule provision was to be found among these latter,—“self-determination” carried to this excess, having apparently been judged by the commission too “bolshevistic” in its tendency for the tradition of Pennsylvania.

The financial provisions of the article on municipalities, were excellent. The section relating to debt limit was clarified and that on sinking funds permitted the issuance of serial bonds.

The new article also included provision for excess condemnation, and for the assessment of benefits from public

improvements on property benefited, whether abutting or not.

The greatest disappointment in the preliminary draft was in the judiciary article. Instead of following the precedent of the constitution of the United States and leaving the development of the judicial system to legislative enactment, the commission added the superior court to the already long list of constitutional courts, and even continued the equivalent of the present magistrates’ courts in Philadelphia, although the name of these minor courts not of record was changed to “district peace courts.”

SIX HUNDRED AMENDMENTS PROPOSED AT HEARINGS

Such were the more significant revisions embodied in the preliminary draft of February 11. After a recess of two months, giving time for public study of the preliminary draft, the commission reconvened on April 6, and held public hearings in Harrisburg during the next two weeks. In the course of these hearings the commission was addressed by some eighty persons, among whom were representatives of about twenty five civic and other organizations.

When, after the public hearings in April, the commission again met on May 11, it was confronted with a calendar containing over 600 amendments to the preliminary draft offered as a result of these hearings. By eliminating without discussion scores of amendments entirely lacking in support among its members, the commission was able in a three day session to pass upon all that it considered important of the amendments to the preliminary draft offered since the public hearings, and to leave available for the committee on style the material

for a second draft. On May 13 the commission adjourned for the summer, leaving the custody of the new constitution in the hands of a committee on style which, as will appear, nursed it very tenderly through the summer.

COMMISSION RESPONDS TO PUBLIC SENTIMENT

This committee on style was created by resolution of the commission on May 13, and consisted of the chairman and five other members of the commission; a seventh member, originally appointed, was unable to serve. The committee was instructed to compile a second draft of a revised constitution, from the material adopted by the commission at its sessions in May. The second draft, as compiled by the committee on style in May, shows a number of progressive amendments to the preliminary draft, and is significant as indicating the reaction of the commission to public sentiment as expressed at the hearings in April. The very widespread demand for home rule led the commission to incorporate a new section in the article on municipalities, providing that

"The general assembly may delegate to all cities, or to all cities of a particular class, authority to frame, adopt and amend charters for the organization and government of such cities, subject to whatever limitations and restrictions may be imposed by law."

This provision represents a very considerable advance in the attitude of the commission, which turned down home rule entirely in the preliminary draft, largely on the theory that, since municipalities are creatures of the legislature, for the latter to delegate to them any of its powers, would be subversive of our whole concept of government.

Another provision of the second

draft showing the response of the commission to the able exposition of proportional representation at the hearings, is the insertion in Section 7 of Article VIII, of a clause reading

"And the general assembly may prescribe proportional representation for the elections of any representative body in all municipalities of a given class or classes, or in every municipality, of a given class or classes which, by vote of its electors, approves proportional representation for those elections."

The hearing on civil service also bore fruit in the addition in the second draft of a section to Article IV reading

"Appointments in the civil service of the state and of all the civil divisions thereof, including counties and cities, shall be according to merit and fitness, to be ascertained so far as practicable by examinations, which, so far as practicable, shall be competitive."

The almost unanimous criticism of the retention, in the preliminary draft, of the Philadelphia magistrates,—even though thinly disguised as "district peace judges" resulted in a compromise whereby in the second draft the section of the judiciary article, dealing with these gentry of such weighty political moment, was amended by inserting at the beginning of the section the words "until the general assembly shall otherwise provide."

Thus are the magistrates left snugly within the constitution,—yet artfully concealed beneath them is a stick of dynamite which the legislature may some day find it in its heart to touch off—to the great benefit of Philadelphia.

This second draft represents, it will be remembered, the agreement of the commission upon the substance only of amendments; the commission very wisely did not consume its time at this point in the discussion of style or arrangement, but postponed considera-

tion of such matters until the report of the committee on style was before it.

THE COMMITTEE ON STYLE

The committee on style met in June, during the meeting of the Pennsylvania Bar Association, of which most of the members of the committee were also members. Following this meeting, Dr. Lewis, secretary to the committee, retired to the rocky fastnesses of the Maine coast, and devoted the summer to the preparation of an exhaustive report, which was presented to the committee in the early fall, carefully considered by it in the rarified atmosphere of the Pocono Mountains, and with some modifications, was made the basis of the report to the commission of the committee on style.

The report of the committee on style was submitted to the commission in October, and taken up by the commission sitting as the committee of the whole, at its sessions on November 9 and 10. This report should prove an extremely valuable document to all students of constitutional revision. It contains, in conformity with the instructions to the committee, a draft of a revised constitution, based in substance on the amendments adopted by the commission in May, with the language and arrangement of the sections clarified and harmonized according to a few well thought out and fundamental rules of style. The draft submitted by the committee on style was essentially adopted by the commission in November as its third draft.

COMMISSION REPORTS A REVISED CONSTITUTION AND RECOMMENDS A CONVENTION

This third draft, phrased in accordance with the rules of style above

referred to, was printed in parallel columns with the present constitution and the second draft, adopted in May, and was placed before the commission at its next session, on December 14. The commission proceeded to the consideration of this report, and in a two day session agreed upon the final text of a revised constitution—differing but slightly from the third draft, and unanimously adopted a report to the legislature incorporating this revised constitution, and recommending the submission to the electorate of the question of calling a constitutional convention.

As this report will have been submitted to the legislature some weeks before this article appears in print, comment on the constitution therein recommended would be rather belated. Suffice it to say that, as it contains over one hundred and thirty changes in the present constitution, it will be obviously impossible to incorporate them into the organic law through the amending process of the present constitution. Therefore, unless the work of the commission is to go for nought, it will be incumbent upon the legislature to submit to the electorate the question of calling a convention.

As for the commission itself, it may well feel that it has amply proven the need for a general revision of our constitution. The commission admits that it has never been accused of the least taint of radicalism, and that the initiative, referendum and recall were never even seriously considered by it; yet the adoption of its recommendations would bring Pennsylvania a long stride nearer to some of her more progressive sister states. And no man can say that the commission has not performed its task with the most painstaking fidelity and devotion.

NASHVILLE'S EXPERIENCE WITH COMMISSION GOVERNMENT

BY IRBY ROLAND HUDSON

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Nashville's commission government, designed to perpetuate a group in power, is marked for destruction. :: :: :: :: ::

AFTER a seven-year trial of the commission form of government, a number of people of the city of Nashville, Tenn., have become dissatisfied with the charter revision of 1913, and there is a growing feeling that a decided change of some nature should be made. In the August primaries of 1920 one of the legislative tickets advocated a return to the councilmanic form, proposing to make a combination of this type with some of the features of the city-manager plan. The opposing ticket stood for a retention of the charter as it is now formed and was pledged to enact no radical change. While the former group were rather indefinite as to their programme of altering the charter and did not present a well-worked-out-plan, they were able to carry the election, largely because of other principles for which they stood. Since both sides, however, attempted to make the revision of the charter an issue in the election, it may be confidently stated that many, while not approving of the councilmanic plan voted for the successful ticket because it held out a method whereby the practical workings of the present city government might be revised. In the November election an Independent ticket, representing a disaffected labor group, went before the people advocating the present charter. This group was defeated by a two-to-one vote. Our representatives are now working out a programme, but at the present

writing no details have been given to the public, further than an assurance of the overthrow of the commission idea.

DISSENSION AMONG THE COMMISSIONERS

There are certain inherent weaknesses in the commission form of government that are common to a majority of the cities of this type. From these we have suffered, as it is to be expected. The most usual, possibly, is the competition among the various commissioners to build up their own departments at the expense of the others, and for a group to turn against one or two of the five and attempt politically to ruin their opponents by refusing to vote necessary funds to a designated department. The present administration has been noted for this fault. Either through mismanagement or an improper distribution of funds certain departments have spent, before the year was out, all of the money allotted to them at the time the annual budget was adopted; and the other commissioners have refused to vote additional sums to carry on these departments in a satisfactory manner. The whole city is thus forced to suffer either because of a lack of foresight and efficient planning on the part of one commissioner or because of a political quarrel in which few people outside of special partisans are concerned.

There has been a lack of harmony

due to the ever changing effort to capture and hold public attention and support. While 90 per cent of the measures adopted by the commission are carried by an unanimous vote, public attention has been called to the remaining 10 per cent through antagonistic newspaper interests to such an extent that the city has been kept in constant turmoil for the past four or five years. Rival political factions have used the city hall crowd as a means of constant agitation for personal advancement. While the men selected are supposedly non-partisan so far as national politics are concerned, there has been an effort made by certain interests to use the city hall patronage to build up personal followings that will control elections. A casual attendant at the meetings of the commission would hardly observe any deep-seated variance in the general principles held by the various commissioners, but at the same time he would get a distinct impression of the rivalry of the changing factions. The city has been ruled by a three to two vote on the vast majority of cases where there is a difference of opinion on any subject. This would be expected, but over-emphasis of that division for partisan purposes can easily bring damage to a city's administration. The commission form of government is no panacea for factional fights, nor is it a guarantee that a high type of man or an efficiently trained administrator will be elected, where selfish interests dominate a community or where the spoils of office are rich in appointing power, or where the commission has the review of tax assessments on all private property.

During the first administration under the commission, the political machine in control of the city was able to function smoothly. The mayor was the acting director of the machine, so far as the public was concerned, and

no outsider was able to break in. One evil particularly noted during the first two years under this group was the extravagance of the city officers, in that each department head seemed heedlessly to make extensions that drove the city in debt to the extent that a bond issue of practically a million dollars was needed to keep the city out of bankruptcy.

HISTORY OF NASHVILLE CHARTER

Other ills could be cited that are no doubt common to most cities of the commission type, but there is possibly one fundamental cause of the discontent in Nashville. The origin and nature of the charter itself under which the city operates makes it as a government a partial failure at best. A short account of how the charter was secured, as well as a statement of how the old charter worked, is necessary for a fuller understanding of the situation.

Before 1913 Nashville was organized under a mayor-council plan by a charter granted in 1883 by the state legislature. A number of amendments had been made by the end of the first decade of the twentieth century, but the chief outline had been preserved. The council was made up of one councilman elected from each of the twenty-five wards, and the mayor had a certain amount of power concentrated in his hands. The dominating influence, however, was the board of public works and affairs, a committee of three men nominated by the mayor and confirmed by the council. Their term of office was six years, one retiring at the end of each second year. The board managed or supervised the various departments of the city government, and once in office a control of its workings was virtually impossible because of a lack of direct responsibility to either the people or the mayor or the council.

In 1912 part of the walls of the reservoir of the city's waterworks, which is situated in a thickly populated residence section of the city, gave way, causing damages to the city and the residents of that region amounting to thousands of dollars. Leaks had previously been noticed and called to the attention of the city authorities. Investigations had been started, but as the burden of responsibility could be easily shifted from one group to another, nothing had been attempted in the way of repairs. When the people realized to what an extent the city had been injured by the failure of its agents to foresee and prevent such a calamity, a demand for the punishment of the guilty parties arose on all sides. A second round of investigations was started; after a series of passing the buck from one department to another, then to the board of public works and affairs, from them to the mayor and the council and once more to the various departments, one department head was suspended in an effort to make a scapegoat of some one. The courts later declared that this man was not guilty of the charges preferred and he was restored to power with full authority and back pay for the time that he was out.

The same year, 1912, a group of business and professional men of the city commercial club brought before the public the need of a change in municipal affairs and drew up a charter for a commission form of government. This group of men invited outside aid, and after a number of public hearings submitted a charter to the members of the legislature from Davidson county, in which the city is located, to be introduced under the special legislative system. The bill passed both first and second readings; but at the time of the third reading a substitute bill was introduced in its stead. The origin and

content of this bill was not made known at the time, nor for some time after it had become a law without the governor's signature. Secrecy seemed to surround the measure. Under a gentleman's agreement or courtesy usually extended in such cases the bill had been rushed through. Special legislation from which the state and the cities of Tennessee have so often suffered added another triumph to its list, already too long. The citizens had no voice at the polls in approving or rejecting the charter and had no opportunity of condemning this action of their representatives, except by refusing to elect them to the next term of the legislature.

It was held by many at the time, and later substantially proved, that the substitute was drawn and introduced through the influence of the machine which controlled not only the city, but likewise the county organization. The subsequent discussion of the two bond issues is an added proof of this fact. As the probe, which will be described later, showed, this group feared the coming into office of outsiders. Certain individuals had served the full number of years in office allowed by the old city charter and were ineligible to run for the same office without legislative enactment. Under a new charter a continuation of the same men was possible.

NEW CHARTER TAKES CARE OF OFFICE-HOLDERS

Among the provisions of the charter act of 1913 a commission of five men is provided who are to exercise executive, administrative, legislative, and certain judicial powers. The two members of the board of public works and affairs, whose term of office had not yet expired under the old charter, were automatically to hold office as com-

missioners of certain designated departments for the remainder of their terms, while the other three commissioners were to be elected. The term of office according to the charter is four years, and nothing is said about ineligibility after serving any length of time. The fifteen administrative departments are divided among the five commissioners, each being elected to supervise certain designated departments. Each commissioner is responsible for the well-being of his departments and introduces all measures that relate to them. The mayor, having the responsibility of general supervision over all city affairs in addition to administering certain departments directly, has no veto power or other control over the commission, save only one vote in five.

A direct non-partisan primary and nomination by petition of twenty-five qualified voters are provisions of the charter. The recall is provided for and has been attempted on two occasions, but not successfully. There is a provision for the referendum on bond issues and on the granting of franchises to public utilities. No provision is made for the initiative or for the referendum on the acts of the commission.

RESIGNATION AND OUSTER OF COMMISSIONERS

In June, 1915, some of the books of the city treasurer's office were stolen or destroyed. This led to an extended probe of city affairs and also to one of the most complicated lawsuits in the history of the city. One of the commissioners resigned late in June. Under authority of charter provisions the remaining members of the commission elected a new member to take his place. As the probe grew more intense a second member resigned, and his place was filled as in the first case. During July a recall petition was

circulated to remove two of the three old remaining commissioners, but, before it could come to a vote, ouster proceedings were instituted against these members and they were removed from office on July 27. Upon appeal, the supreme court on August 7 rendered a decision upholding the ouster as well as the decision of the lower court in removing these officials, a remarkable instance of the rapid work of the court where the question at stake was of such importance. It is interesting to note that the ouster proceedings included the two members who had resigned as well as the two commissioners who remained in office. The commission operated from July 27 to August 4 with only three commissioners, when on the latter date a deadlock was broken after more than five hundred ballots had been cast to select successors to the two members who had been recently removed by the courts. Partisan politics played a dominant part in the election at the time.

The personnel of the commission was thus almost wholly changed, but under the method of selecting the new members a radical departure from the old days could hardly be expected. The new group entered into office under the severe handicap of a series of lawsuits involving four of the old members of the commission, a number of minor city officials, and a number of business interests. This group of cases finally resolved itself into the case of *R. Miles Burns vs. the City of Nashville*. Although begun in June, 1915, the case was finally disposed of by the Tennessee supreme court in a decision handed down March 27, 1920. The court failed to sustain many of the charges and allowed a number of expense items to stand that had been thrown out by the chancellor in his decision. Only about \$160,000 was

ordered paid into the city treasury, although the original claims had been many times that amount. The city had largely lost interest in the whole affair by the time of the final decision. As the findings of the court affect only a few individuals and as some of these are now outside of the state's jurisdiction, little more than historical interest at the present time remains of a once famous case that involved a large part of the city's officers in 1915.

One of the provisions of the city charter that has attracted very little attention is the extension of the civil service regulations to cover a vast number of appointive city employes. The majority of these had been in office for a number of years under the old régime and were thus forced upon the city as a permanent heritage. As they were largely hand-picked, their service in maintaining the gang in authority is easily understood. A new set of commissioners may be elected, but experience has proved that new men are almost incapable of exercising any great change in city affairs, because they have, as a rule, been absolutely unacquainted with the departments that they are to supervise, and the minor officials have the opportunity and the ability to block any innovations that may threaten the control of certain interests. Here possibly lies one of the reasons for the unsuccessful workings of the charter of 1913, so far as good government is concerned. The

original intent of that document was to perpetuate a group in office and influence. Despite the removal of the leaders, the personnel in the minor positions of the city's administration has changed but little.

During the past few years a revived interest in civic righteousness has come about, and a reform element has been able to get control of the commission. The changes in administration have wrought some improvement, but not the radical reforms hoped for by many voters at the time of the elections. All of the members of the group in office at the time of the probe have lost political control in municipal affairs, except for the influence exerted by those who are protected by the civil service.

While the commission form of government has not proven an unqualified success, it did make possible the bringing of a set of guilty officials directly before the courts and also before the bar of public opinion. Forces that had been hidden, that intangible blending of business and politics, were brought more into the open. The findings of the courts could hardly have been made under the irresponsibility of the old mayor-councilmanic plan. The charter of 1913, which was so carefully drawn to perpetuate a group, was thus turned into a trap that deprived them of position and power in the city. Its defects are easy to point out, but its blessings to the community have been considerable.

VOTERS' VAGARIES

THE VALUE OF POSITION ON A BALLOT

BY ROBERT C. BROOKS

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Illustrating by a concrete case some elements which distort the expression of the popular will. :: :: :: :: :: :: :: ::

FOR a short time following every election there is no more favorite form of indoor sport among politicians than the analysis of the returns, with special reference to the vagaries of the voters. The gentlemen who thus amuse themselves are subject to no illusions regarding the intelligence of the electorate. They know that certain quotas of voters will vote for every Irish or German or Polish name on the ballot, and that others will vote against all candidates of foreign extraction. They know that by running a nonentity whose surname happens to be the same as that of some leading candidate they can always split off part of the vote of the latter. And they are familiar with the antics of the occasional joker who zigzags back and forth across the ticket with no apparent motive except to cause additional work and profanity on the part of the long suffering election officials when they come to count his ballot.

Politicians also know to a certitude that the most careful instructions regarding voting will fall short of complete execution owing to the invincible ignorance or neglect of many of their followers. Sample ballots fully supplied with cross marks in the right places are left at home, or, if carried to the polls make too severe a demand upon the gray matter of the voter, although all that the latter has to do is to duplicate these cross marks upon

an identically similar official ballot. Politicians are further aware that failure to place the name of the candidate upon the printed ballot is an almost impossible handicap, and that no amount of exhortation to "write in" that name will be more than partially effective. "Stickers" may help somewhat, but many voters throw them away, while others attach them everywhere on the ballot except the one place where they will count as intended. Finally there is general agreement among politicians as to the value of a good position on the ballot. Election returns are usually so complicated, however, that it is difficult to ascertain with any degree of exactness the weight of this factor.

UNDER TEST CONDITIONS

A primary election held in Pennsylvania, May 18, 1920, was so simple, at least so far as the Democratic ticket was concerned, that it affords unusual opportunity to investigate the last named point. By way of general description it may be said that the Democratic voters were divided on this occasion into two wings, one following the leadership of Attorney-General Palmer, the other that of Judge Eugene C. Bonniwell. It can scarcely be maintained that many issues were involved in the fight except as to the local records of the two lead-

ers and their followings, and into that long story it is not necessary to go here. In addition to these differences the Bonniwell faction sought to make the most of the anti-prohibition sentiment. Both wings professed devotion to the Wilson administration, although, of course, Mr. Palmer's membership in the official family of the president placed his faction in a much more advantageous position to press this point.

In Pennsylvania primaries only enrolled voters may participate, that is, only those who in addition to other qualifications have formally declared in writing their adhesion to the party the primary ballot of which they desire to vote.¹ The electorate on this occasion, therefore, was made up of party regulars, who might be expected to take more interest in politics than the large mass of voters who are too independent (or too much afraid of social or business pressure) to enroll in any party. Every one of these "regulars" received campaign literature from the two factions, including either marked sample ballots or lists of candidates for whom he was asked to vote. The party press also devoted rather more than the usual amount of space to the fight between the two factions.

Thus prepared, such an electorate might be expected to vote "straight" to a greater degree than the wider electorate at a final election. Whether or not its intelligence in handling the ballot is greater than that of the general electorate is questionable. On the whole, however, the primary electorate of May 18, 1920, may be assumed to have been quite normal in the vagaries it displayed,—if such a phrase be allowable.

¹ Except for judicial offices for which a non-partisan primary ballot may be used by all voters whether enrolled as party members or not.

The most hotly contested fight in the whole primary election raged about the office of national committeeman. It involved the same candidates, Mr. Bonniwell on the one side and Mr. Guffey on the other, who had been pitted against each other for the Democratic gubernatorial nomination two years earlier. Considerable personal bitterness had remained from this earlier struggle. Moreover, as a party office, the decision of the primary of May 20 was final, no subsequent ballot being necessary as in the case of nominations for state and national offices. In a minority party, such as the Democracy in Pennsylvania, it is, of course, quite commonplace to find more effort bestowed on securing party office than in securing nomination for actual public office, since the latter is usually an empty honor to which is attached the hard work of campaigning a second time.

In round numbers one hundred and twenty-five thousand votes were cast in the Democratic primary, of which Mr. Bonniwell received 45 per cent, and his opponent, Mr. Guffey, 55 per cent. The same percentages were very closely approximated in the average vote cast by the two factions for delegates at large to the Democratic National Convention and for representatives in congress at large. It seems fairly clear, therefore, that of the voters who presented themselves at this primary, sixty-nine thousand were followers of the Palmer faction, and fifty-six thousand of the Bonniwell faction.

Using this as the best obtainable basis for further comparisons, we may now consider some of the results of the struggle between the two factions over the twelve delegates at large to the Democratic National Convention. Each faction nominated a complete ticket for these offices, so that the

voter was confronted with a list of twenty-four names, alphabetically arranged, and accompanied by no further information except the address and county of each candidate, and his promise or refusal to promise "to support popular choice of party in the state for president."¹ From this list of twenty-four names the voter was instructed to "vote for twelve."

It is to be presumed that each of the twenty-four candidates possessed some local following, but for very few of them could more than this be claimed. The writer has followed Pennsylvania politics, state and local, with close attention for twelve years, and in addition was factional leader of a congressional district in this primary, but he must confess that of this list of twenty-four names he knew but two personally and two others vaguely by reputation. With the overwhelming majority of other voters he would have been unable to vote intelligently (that is, in this case, for men supporting his choice for the presidency and his convictions on national issues) for delegates at large to the national convention without the aid of the marked sample ballot printed by his faction.

That such sample ballots were largely used, the results clearly show; that, on the other hand, their effectiveness was diminished by the position of names on the ballot appears with equal clearness. It was, of course, by no means accidental that the first six names on the ballot, all of them belonging to the Bonniwell faction, begin with the letter A. The following seven names begin with the letter B, and four C's come next. Of the entire twenty-four, seven only have names beginning farther down in the alpha-

bet than C, and of these seven it was the misfortune of the Palmer faction to have named five.²

THE ALPHABET IN POLITICS

The first candidate on the list received by far the largest vote (55,063) of any of the Bonniwell nominees for national delegate. It is worth noting, however, that he did not poll as large a vote by 1,505 as Mr. Bonniwell himself did for national committeeman, although the list of twenty-four candidates for delegates occupied a more prominent place on the ballot.³ Similarly the high man of the Palmer list for delegates started out with 1,058 votes less than were cast for Mr. Guffey as national committeeman. In other words, out of a total vote of 125,000, rather more than 2,500, or 2 per cent, who voted readily enough as between the names of two candidates, refused even to begin the ardu-

² In the following table, showing the vote for each of the twenty-four candidates for national delegate at large, names of the Palmer candidates are italicized:

Allen,	55,063	<i>Brodbeck</i> ,	54,988
Altmiller,	50,403	<i>Casey</i> ,	59,954
Amig,	47,698	<i>Connelly</i> ,	42,144
Ammerman,	46,950	<i>Core</i> ,	50,403
Ancona,	48,312	<i>Crawford</i> ,	37,424
Andre,	46,907	<i>Diffenderfer</i> ,	35,062
Barnum,	67,346	<i>Dodds</i> ,	51,216
Bigelow,	67,632	<i>Donnelly</i> ,	53,069
Blakeslee,	64,098	<i>Fagan</i> ,	51,830
Bonner,	48,739	<i>Grimm</i> ,	50,068
Bradician,	46,905	<i>Holstein</i> ,	32,609
Bright,	62,661	<i>Light</i> ,	49,078

The vote of Mr. Bonniwell for national committeeman was 56,568; of Mr. Guffey, 68,690. For these figures the writer desires to express his obligation to Mr. Warren VanDyke of Harrisburg, Pa.

³ They were at the top of the second column, directly over the square containing the names of the two candidates for the national committee.

¹ Of the Palmer list all but one promised to do so; of the Bonniwell list all but one refused to make this promise.

ous task of picking twelve out of twenty-four.

A much larger number of those who started valiantly upon the latter task fell by the wayside. Thus taking the Bonniwell list of twelve candidates the vote declines steadily, with but two irregularities, from 55,063 for Number One to 32,609 for Number Twelve. The descent is more irregular in the Palmer list, but it is none the less marked, its extremes ranging from 67,632 cast for the second on that list to only 49,078 cast for the twelfth. Summing up the extremes of both factions we may say that of one hundred and twenty-three thousand men who started out to vote for twelve candidates out of twenty-four, only eighty-two thousand, or two-thirds, persevered to the end. Having reference not to the extremes, but to the whole mass of votes actually cast for delegates at large, the matter may be stated in another way. The one hundred and twenty-five thousand men, who expressed themselves fully where the question was one of choice between two candidates, developed the voting strength of only one hundred and two thousand men where the question was that of choosing twelve names out of twenty-four.¹ And of these one hundred and two thousand, only ninety-six thousand voted straight, which in this case amounted to the same thing as voting intelligently.

The average vote of the twelve Bonniwell candidates was about forty-five thousand.² Some measure of the importance of having first place on the ballot may be gained from the fact

¹ The total number of votes cast for the twenty-four was 1,220,587. As each voter was entitled to twelve votes, this is equivalent to the voting strength of 101,715 men only.

² Exactly 44,851.

that the Bonniwell candidate, who enjoyed that advantage, ran ahead of this average by 10,212 votes, or 22.8 per cent. The second candidate, also a Bonniwell man, exceeded the average by 5,552, or 12.3 per cent. At the other end of the scale, the last Bonniwell candidate, who had twenty-third place on the ballot, fell behind the average by 12,242 votes, or 27.3 per cent.

The same tendency appears in the case of the Palmer candidates, but not so markedly, for the first candidate of this slate came seventh in alphabetical order on the ballot. Nevertheless, he ran 10,482 votes, or 18.4 per cent, ahead of the average vote of his colleagues. The last Palmer candidate, whose place was twenty-fourth on the ballot, fell 7,786 votes, or 13.7 per cent, behind the average for this slate.

A large number of voters, confronted by the injunction to "vote for twelve" of the twenty-four candidates, solved the problem by placing a cross to the right of the first twelve names on the ballot, utterly regardless of their affiliation with one or the other faction. As a result of this tendency the first twelve candidates on the ballot received 66,450 votes in excess of their total average,³ while the last twelve fell 66,443 below their total average.⁴ To put the matter in another way, about five thousand five hundred men, or 4.4 per cent of the total participating in the election, cast all their twelve ballots for the first twelve names on the list, regardless of the fact that eight of them were for McAdoo for president and four for Palmer.

³ As eight of these were for Bonniwell and four for Palmer, this total average would be $(8 \times 44,851) + (4 \times 56,864)$, or 586,624 votes.

⁴ In this case the proportion of Bonniwell and Palmer men is reversed, so that the total average stands $(4 \times 44,851) + (8 \times 56,864)$, or 634,316.

WRITING-IN A NAME.

The most prominent place on the ballot of May 18,—at the top of the first column devoted to partisan candidates,—was given to the expression of the presidential preferences of the voters. However, the only name printed in this square was that of Mr. Palmer, as his followers alone had taken the trouble to circulate nominating petitions in his behalf. In the latter stages of the campaign the Bonniwell faction decided to support Mr. McAdoo. Although they advertised this decision vigorously and circularized all the Democratic electors of the state in his favor, they were at a disadvantage, both because of their late start and because their adherents were obliged to write in the name of their presidential preference.

As a result Mr. Palmer received 76,254 votes, or seven thousand five hundred more than were cast for any other statewide candidate on the Democratic primary ticket. Nevertheless, 21,439 electors voted for Mr. McAdoo, certainly a large number considering the circumstances. In attempting to estimate how great was his loss, largely due to the fact that those who favored him had to write in his name, it should be recalled that in voting for delegates at large to the Democratic National Convention, all of whose names were printed on the ballot, 44 per cent of the electors supported candidates who unquestionably would have voted for Mr. McAdoo at San Francisco. On this basis it seems fair to assume that about fifty-five thousand voters would have expressed a preference for Mr. McAdoo if his name had been printed on the ballot. As a matter of fact only 21,439, or 38.9 per cent of the above number, did so. Of the remainder one-half, or twenty-seven thousand five hundred,

did not vote at all, and at least six thousand, or nearly 11 per cent, placed a cross to the right of Mr. Palmer's name. Of course these six thousand contradicted their own votes for national delegates. It is conceivable that some portion of them were influenced by state pride or by personal admiration for Mr. Palmer. Others, however,—how many it is impossible to say,—simply "obeyed that impulse," moved by the curt injunction to "vote for one," and the fact that only one name was printed beneath it.

As a result of the various tendencies noted above, the Bonniwell faction, in spite of its substantial inferiority, was successful in breaking the Palmer slate in two places. They elected two of the delegates at large to the national convention, the successful candidates in this instance being the two at the top of the list, while the two Palmer men who were defeated were the last two names on that slate. By the same tactics the Bonniwell faction also succeeded in naming one of the four nominees for representative in congress at large. In one other case, that of the nomination for United States senator, the Palmer slate was broken, but here the result seems to have been due to the war record and the personal popularity of the successful candidate.

CONCLUSION

Of course voters' vagaries, such as are discussed above, have long been observed. All that the present study can claim to accomplish is that it has given them quantitative analysis in the comparatively simple case of a single election. To this extent it establishes the degree of invisibility which Short Ballot writers have pointed out as a consequence of our long ballots, and confirms the need of the reform they advocate.

THE DIRECT PRIMARY IN INDIANA

BY CHARLES KETTLEBOROUGH

Director, Indiana Legislative Reference Bureau

Contrary to popular belief more voters participate in the primary in rural districts than in the cities. :: :: :: :: ::

THE primary election law of Indiana was enacted in 1915, and has been in operation at the elections of 1916, 1918, and 1920. It applies to the Democratic and Republican parties only. In 1916, the primary was held in March, in 1918 and 1920 in May. The primary provides for a preferential vote for president, vice-president, United States senator and governor; for the direct nomination of candidates for congress, the general assembly, all county, city and township officers, and the local judiciary; for the election of precinct committee-men and delegates to the state convention; and the creation and control of party machinery. There are four officers for which a preferential vote may be taken; 358 for which direct nominations may be made, involving the possible selection of 9,056 candidates; 3,143 precinct committeemen and 1,678 delegates to the state convention to be elected; and nineteen state officers who are nominated at the state convention. As originally enacted in 1915, the Indiana law contained a first and second choice provision, but owing to its unpopularity, this provision was repealed in 1917.

PARTY MANAGERS HAVE NOT SURRENDERED

In evaluating the primary as an agency for the nomination of candidates, the election of party officers and the control of the party machinery, the

question is not whether the party managers are corrupt and designing men and the voters capable of coherent and intelligent action, but whether the party managers, by means of the primary, have been deprived of the power which they originally possessed of naming the candidates for public office and controlling the party machinery. An inspection of the primary election returns in Indiana and a casual familiarity with the adventitious political processes employed, shows conclusively that these powers are vested as securely in the party managers as they formerly were. However, as the party managers are perpetually constrained by the potential powers of retribution which the primary possesses, they probably exercise these functions with more appropriate caution. In its practical evolution, therefore, the Indiana primary has substantially approximated the Hughes type, whereby the party managers propose a candidate or a list of candidates for popular approval; if these candidates are acceptable, the choice of the managers is ratified by the voters; if any candidate so proposed is objectionable, the primary affords a means of compassing his defeat.

In its operation, the Indiana primary has disclosed the following idiosyncracies:

There are only 50 per cent of the qualified electors who vote at the primaries.

There are only 41 per cent of the

public offices and only 34 per cent of the party offices for which there is more than one candidate in the primaries.

There have been three conclusive and three inconclusive preference primary contests, no one of which, in all likelihood, would have resulted differently if handled exclusively by a convention.

PARTICIPATION OF VOTERS VARIES
WITH VIGOR OF CAMPAIGN

Students who have made scientific observations on the operation of the direct primary have long since been aware that only a relatively small per cent of the voters participate in the primary elections, and various speculative reasons have been assigned for this general and widespread indifference of the electorate. The experience of Indiana emphatically confirms the theory of the constant and irremediable existence of a large non-participating element of the electorate but contributes little to assess the cause with adequate and scientific certainty. A calculated average for the years 1916, 1918 and 1920 shows that there were 42 per cent of the Democratic voters and 59 per cent of the Republican voters who participated in the primaries. The percentage of Democratic electors who voted in the primaries steadily declined from 50 per cent in 1916 to 47 per cent in 1918 and 32 per cent in 1920. In the Republican primary, there were 62 per cent of the voters who participated in 1916, 46 per cent in 1918 and 67 per cent in 1920. The rather noticeable disparities in the percentages of the vote polled by the two parties is readily explained by the character and vigor of the party contests which have developed, together with the prevalent and strikingly contrasted party morale dur-

ing the recent campaign. In 1918, when there was no outstanding contest in either party, the primary vote was substantially identical. In 1916, the Republicans waged a spirited contest for governor and United States senator, and in 1920 for governor and president; during the year 1916, the Democratic campaign was comparatively tranquil, and during the year 1920 conspicuously listless. The response of the party voters was in direct proportion to the vigor of the campaign, the determination of the adherents of the respective candidates, and the probable chances of ultimate success. As a resultant of the energetic operation of these compelling causes, and in a state in which the two parties are evenly matched, it transpired that the Republicans polled 48,634 more votes than the Democrats in the primary election of 1916, 18,465 more votes in the election of 1918, and 123,277 more votes in the election of 1920. Usually a candidate for governor, president or United States senator will poll more votes than a local candidate. In 1916, the combined vote here for United States senator in the Republican primary was 11,687 votes in excess of the combined vote for congressmen; in 1920, the combined vote for the Republican candidates for president was 82,891 votes in excess of the combined vote for congressmen; chiefly by reason of an absence of contests for candidates nominated by a state-wide vote, there were 2,743 more Democratic electors who voted for congressmen in 1916 than for president; and in 1920 the combined vote for the Democratic candidates for governor was only 11,071 votes in excess of the combined vote for congressmen.

It has usually been assumed that, owing to the distances which rural voters are required to travel to reach the polls, as well as the rather imperfect structure and somewhat more dilatory

operation of the party organization in sparsely settled territory, rural voters participate less frequently in the primaries than urban voters. An analysis of the returns shows that in counties in which two-thirds of the population live in the rural districts, there were 56 per cent of the voters who participated in the primaries; in counties in which two-thirds of the population live in cities or towns, there were 42 per cent of the voters who participated in the primaries; and in counties in which the population is evenly divided between rural and urban, there were 53 per cent of the voters who participated in the primaries. The reason usually assigned for the extensive non-participation of electors in the primary are the indifference of voters, their natural reluctance to attend so many elections, and the existence of a feeling that, owing to a lack of contests for many offices, the primary is merely an expensive and useless device to obtain popular approval of a fait accompli. Since 1916, and exclusive of special elections, the voters of Indiana have been called upon to participate in the following elections: In 1916, the March primary, the October registration, and the November election; in 1917, the city primary in March, the registration in October, and the election in November; and in 1918 and 1920, the May primary, the registration, and the general election. While elections are not as numerous in Indiana as in many states, they seem to have reached and passed the saturation point. In extenuation of the fact that nominations are made in the primaries by not to exceed 50 per cent of the party voters, it may be observed that constitutional amendments are proposed by the legislature, which is a very small group of the electorate, and are ratified by the comparatively small fraction of the electors who take the trouble to

vote. In 1881, when the last constitutional amendments were adopted in this state, there were known to be at least 451,028 qualified voters, whereas the amendments were ratified by the votes of 128,731 electors, or 28 per cent of the total.

CONTESTS FOR NOMINATION DECREASING

It is obvious that if there is only one candidate for any office, the nomination to which is made in the primary, an election is useless. Recognizing this fact, the legislature provided in 1917 that in cases where there was only one candidate for an office, no election should be held. Moreover, it may be pretty safely assumed as an axiomatic political postulate that where there is only one candidate for an office he has been named by or is acceptable to the organization. Granting that this assumption cannot be successfully assailed to what extent has the organization named the candidates for office in this state under the primary? An examination of the primary election returns in Indiana shows that for the years 1916, 1918 and 1920, out of a total of 1,049 offices for which candidates were to be nominated, there were 623 or 59 per cent in which no contest developed; in which just enough candidates were produced to fill the ticket at the ensuing general election; in which the voter was afforded no range of choice; and in which voting was purely a matter of supererogation. Out of a total of 489 offices for which nominations were made by the Democratic party, there were 287 or 59 per cent for which there were no contests; out of a total of 507 offices for which nominations were made by the Republican party, there were 289 or 57 per cent for which there were no contests; and out of a total 53 offices for which

nominations were made by the Progressive party, there were 47 or 89 per cent for which there were no contests. Exclusive of the offices of president, United States senator and governor, the number of contests has steadily decreased since the primary was first used in 1916. In the Democratic party, 40 per cent of the nominations were uncontested in 1916, 60 per cent in 1918 and 65 per cent in 1920; in the Republican party, 48 per cent of the nominations were uncontested in 1916, 62 per cent in 1918 and 56 per cent in 1920. For the same period, 50 per cent of the congressmen, 48 per cent of the state senators, 57 per cent of the state representatives, 51 per cent of the circuit judges, and 62 per cent of the prosecuting attorneys have been nominated without opposition.

FEW CONTESTS FOR PRECINCT COMMITTEEMEN

Another illuminating aspect of the primary is the manifest lack of interest in the office of precinct committeeman who is vested with the ultimate control of the party machinery. Under the provisions of the primary law, the 3,143 precinct committeemen elect the ninety-two county chairmen; the county chairmen elect the thirteen district chairmen; and the district chairmen constitute the state central committee, and elect the state chairman. As any voter may become a candidate for the office of precinct committeeman, and as the elections are made by the voters themselves, it is obvious that the entire party machine is subject to the control of the party electorate. The extent to which the party organization is subject to popular control is shown by the following table. Unfortunately the only statistics available are for Marion county, but they are known to be typical of other coun-

ties in the state, as the party managers are frequently obliged to draft voters to run in the primary for the office of precinct committeeman:

CONTESTS FOR OFFICE OF PRECINCT COMMITTEEMAN IN MARION COUNTY

Number of Precincts	Republican			Year	Democratic		
	Number Having No Candidates	Number Having One Candidate	Number Having Two or More Candidates		Number Having No Candidates	Number Having One Candidate	Number Having Two or More Candidates
158	4	83	75	1916	15	131	27
163	4	104	55	1918	141	7	83
177	4	82	95	1920	..	94	83

An inspection of the foregoing table discloses that in every year but 1920, and in that year for the Republican party only, an overwhelming majority of the members of the county committee were elected without opposition.

Apparently, there is a more vigorous contest for the office of delegate to the state convention, but even there many of the positions go uncontested.

Frequently, where there are two or more candidates for an office, both or all of them are equally acceptable to the party managers, and the organization is sure to win whoever is chosen. Where there are candidates who are unacceptable to the managers, a slate is prepared containing only the names of those candidates whom the managers approve. It is a matter of common knowledge that these slates are rarely broken.

SECOND CHOICE LITTLE USED

As originally passed in 1915, the Indiana primary election law permitted any voter to vote for one candidate for any office as his first choice, and a second candidate for the same office as his second choice. It is obvious that a second

choice provision is rendered inoperative if there are fewer than three candidates for the same office in the same party, and it accomplishes nothing unless a rather large per cent of the electors vote their second choice convictions. In 1916 there were 261 candidates to be nominated by the three major parties¹ for 87 offices.² Excluding those offices for which one or more of the three major parties had no candidate,³ or only one candidate⁴ or only two candidates⁵ and in which cases the right of a second choice could not be exercised, there were only 35 contests⁶ in which the voters could or did indicate a second choice. Of these 35 con-

¹ The Progressive party was still under the provisions of the primary law in 1916.

² One candidate for president, one for vice-president, one for United States senator, one for governor, 18 for congress, 15 for joint state senator, 28 for joint state representative, 5 for circuit judge and 22 for prosecuting attorney. Unfortunately, the returns for local officers are not available.

³ None in the Democratic party, one in the Republican party and 34 in the Progressive party.

⁴ Thirty-five in the Democratic party, 41 in the Republican party and 47 in the Progressive party.

⁵ Thirty-five in the Democratic party, 28 in the Republican party and 5 in the Progressive party.

⁶ Seventeen each in the Democratic and Republican parties and one in the Progressive.

tests, there were 11 in which the leading candidate had a clear majority of all votes cast⁷ in the remaining 24 contests, the second choice votes were distributed as directed by law, but the distribution so made did not affect the final result in a single case. In 9 cases the leading candidate suffered a loss of votes,⁸ aggregating 322, and ranging from 2 to 101; in 15 cases the leading candidate gained votes,⁹ aggregating 1,485, and ranging from 3 to 708. The total vote added to or deducted from the vote of the leading candidate was 1,807, an average of only 75 votes per candidate. Out of 664,559 opportunities to exercise the right of second choice, it was used only 155,123 times or in 23 per cent of the contests;¹⁰ in two cases only 4 per cent of the voters indicated their second choice, and in 5 cases there were over 40 per cent. The right of second choice was exercised with equal frequency in the case of state or local candidates.

⁷ Three in the Democratic party, 7 in the Republican and one in the Progressive.

⁸ Six Democratic and 3 Republican candidates lost votes.

⁹ Eight Democratic and 7 Republican candidates gained votes.

¹⁰ In the Democratic party 20 per cent of the voters exercised the right of making a second choice, and in the Republican party 24 per cent and in the Progressive party 6 per cent.

THE WOMAN MIND ON POLITICS

BY MRS. BESSIE LEACH FRIDDY

Chairman of Civics Department, General Federation of Women's Clubs 1916-1920

I

In the early days of Christianity the church fathers held a meeting to decide whether women had souls or not, and somewhere on the coast of Scotland they tell me there stands a lonely marker reciting the tale that there are buried three souls and two women, lost by shipwreck. In somewhat the same spirit to-day it may be presumed political journals propound the query, "And what do you judge the woman mind on politics to be in this presidential year of 1920?" Whether the question is prompted by curiosity or by contrition, by contempt or by courtesy, answer, at least, by the very insistence of the call, seems to be desired. A short time ago the wife of the governor of a new suffrage state remarked that she was simply having the time of her life, that meeting after meeting in her husband's library had but one ending, one refrain—"We can depend upon what the men will do in this corner of the state, and that district can certainly be delivered, and we always control this area, but, O Lord, who can tell what those d——d women are going to do?"

Of course, it is probably useless to remark that all this is really borrowing a question, and that before such queries, paraphrasing Shylock, women are tempted to exclaim, "Hath not a woman eyes? Hath not a woman hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by

the same winter and summer as a man is?" Seriously though, although the woman mind under the same conditions would probably react about the same as the man mind, because her conditions have been, are and probably always will be vastly different, her mind on things politic is apt to have its own peculiar view-point and bent. This is the reason she must be allowed to express it.

Woman's suffrage in local and state areas has now existed long enough so that we can say, without fear of contradiction, that up to date women as a group, wherever they have been enfranchised, have cared little for office or the power of party patronage and that they have shown themselves keenly interested in questions and issues rather than deeply attached to parties and persons. On this ground alone their advent into politics would cause moments of doubt and anxiety in the minds of time-seasoned politicians.

In matters of local government they have shown themselves interested in questions of sanitation, housing, food supply, improvement of physical environment, home conditions, social morality and education. States have found their women electorates eager for justice to the delinquent and defective classes, inclined to present legislation on all social evils, demanding liberal support for education, elementary, special and higher, jealous guardians of the sanctity of the home and especially solicitous for the welfare of those needing society's protection, the propertyless laborer, the indigent, infirm and aged classes, the women, the chil-

dren, and the immigrants. Such questions as commission form of government, city manager, city planning, municipal ownership, public utility franchises, bonding for public improvements, school issues and prohibition have called forth a heavy woman vote.

II

After the war-time organization work in all countries no one could, of course, have the effrontery to argue, not even certain senators and governors, that women are not interested in public affairs. In view of women's achievements in municipal and state politics and in war work, many are now admitting that on some things, at least, women are apt to have a mind and register it. They asked them to register it in 1920.

Although one should not presume to speak for all of a class, yet so far as the writer has known women, women of all walks in life, home-makers, business women, laboring women, society women, teachers, lawyers, doctors, journalists, social workers, members of clubs, and of learned, patriotic and philanthropic societies, urban and rural residents, rich and poor, old and young—everywhere and on all sides the reactions from the Chicago and San Francisco conventions were surprise, chagrin, disgust.

Before the conventions were held, there was a surprising unanimity of woman sentiment for Herbert C. Hoover for president. Out of twenty-six women taking a straw ballot one evening, Republicans and Democrats accidentally grouped together, twenty-four were for Hoover, one voted for Edwards as a joke and one marked her ballot with a question mark as undecided as yet. Some women were for McAdoo, many were devoted to Wilson and thought him another martyred

president. Some women inclined to Wood, some felt that they could vote for Lowden, a few followed Johnson, usually not on his policy on foreign affairs, but in spite of it and because they admired his courage and his progressivism in domestic policies. A few knew of and admired Ambassador Davis. When the nominations were made women quite generally resented the fact that unheralded candidates were chosen and understood rather less than the men did how political exigencies could bring such a situation about.

Women pretty generally were for the League of Nations or for the League with reservations. They rarely presumed to know the answer to the labor-capital-public riddle, but they felt sure their elder brothers, the professed fountains of all political wisdom, must surely discover it and they at least wanted to see them try for it. On the liquor question it goes without saying where most women stood. Once man laughed at the little white ribbon on a woman's breast, but to-day a nation's majority has vindicated the wisdom of the temperance crusade.

So, in short, woman looked upon these three L's, the League, Labor and Liquor, as the planks that would make or mar a party's platform for her. She asked the oracles of party conventions for an answer. A sphinx would have spoken as well. The unsophisticated female voter heard that the world was full of such problems as no age had seen; she waited for a leader. Grave issues troubled her and she hoped for solutions she might take or leave. The oracles spoke inanities, they seemed to bring forth mediocrities, they uttered evasions, and the woman voter, at least, was confused, uncertain, disheartened. We were in the exaltation of a dynamic period of history. We had put into the great war crisis the best that was in us, all of us, men and women, boys and

girls. Personal courage, patriotism, altruism, idealism, self-sacrifice, we had sent them all over in the hearts of the boys now sleeping under the poppies on Flanders Field. From such a seed time we were expecting a harvest of a glorious reconstruction era. True, things had not looked so very promising for some time but some way one could not believe that all the glory of that vision could be lost. The partisan bickering and strife, the personal pride and prejudice seemed too petty a thing to prevail, too paltry a thing to endure, and the woman voter was young, and hopeful and, shall we say it, unspoiled, and she was sure that in the end the right would prevail, or at least that one party would see the light and follow it.

The campaign press often wearied the woman voter. Such a eulogy as "As a Republican, as a senator and last but not least as a golf partner, I have found Senator Harding to be a capable, honest and fearless man," did not impress her and newspaper headlines like "Harding made bow to public at age of three," "Harding likes cake but mammy says he must now be fed on wattahmillion pie," and "Mrs. Harding cannot cook but she is delightful hostess, sister-in-law says," did not win female votes. After the party nominations were made and the platforms enunciated, the woman voter was puzzled and hesitant but gradually as the campaign wore on she came to a decision and notwithstanding preceding prophecies it is to be perceived that she voted. Strangely enough too, although favoring a League of Nations by a large majority, she voted Republican and this was the philosophy that guided her; that the nation above all other things needed a steady, a sure, a tried hand on its business affairs and that the Republican party could provide this kind of ability: that while a

League of Nations was something that certainly must be evolved, she was as likely to get it under the party of Taft, Root and Hughes, safe in a congressional control as she would be if she voted in four more years of partisan checkmating.

The woman voter was less bound by traditions of party loyalty than one would have supposed and yet her 1920 vote was cast as a result of her weighing one party record against the other in all lines of activity and then in her trusting to the good judgment of a party's best men to decide particular issues.

Women generally were pleased with both vice-presidential nominees and many of them were keen examiners of the type of men conducting campaigns, advising candidates and in line for important presidential appointments. The Republican nominee probably won many feminine votes by the type of campaign he conducted and his post-election conferences with men of all shades of opinion have strengthened greatly his hold upon the woman voter, for as yet the woman-mind is centered on problem rather than on party, on the welfare of the people rather than on party patronage.

The woman mind is merely a section of the human mind, perceiving sometimes slowly and sometimes suddenly the forces that determine our decisions. Just now like others she is seeing why we have no clear cut constructive policies in present programs of action.

We are on the swing of the pendulum, from altruism back to individualism, from idealism to materialism but our hope is in the next swing of the pendulum. After every great period of excitement, people have experienced reaction and depression. Nevertheless, the elevation gained in dynamic times is never entirely lost in the return to more static conditions. After the Na-

poleonic wars all Europe experienced a wave of conservatism and reaction that was most disheartening, and yet England emerged from a Castlereagh and a Wellington through a Canning to a Grey and the Reform Act of 1832. Leaders can only be supported on the shoulders of the masses and in periods when the public mind is confused, uncertain and groping as at present, refuge is always taken in ambiguous political phraseology and dark horse candidates. In 1836 the Whigs could make no platform; and in 1840 they had to talk the national bank in one area and the tariff in another, and internal improvements in another, and keep a deep silence in each area as to the other issues aired elsewhere. From 1844 to 1856, during the terrible days of the slavery issue, we were devoted to dark horses and ambiguous and innocuous political party platforms. We can trace the gradual formation of opinions, convictions and policies in the mind of the great Lincoln himself if we study his career from 1846 to 1861. The woman mind is now earnestly studying present problems and watching for leaders decisions.

III

But there are two or three things that the woman mind is observing, things a politician ought to observe, too. In the first place, although we are probably sure to abide by the two-party system of government, that nevertheless occasionally a party dies, either through loss of public confidence or failure to take a position on vital issues; that third party movements are most numerous and rampant when the main parties neglect to consider or pronounce upon some vital issue; that ultra conservative parties are the ones that usually die while, on the other side, ultra progressive ones split into fac-

tions. Parties may degenerate into machines for getting one set of fellows out of office and the other set in, but no earthly power can keep these machines living forces. Such parties are inevitably bound for the scrap heap and ultimate reorganization. Dead issues cannot continue to vitalize party groups. Parties that derive their meaning from the past and miss the appeal of the present offer little attraction to newcomers. Sectional biases under party government are to be deplored, not revived and encouraged for party purposes. One wonders sometimes if our party system can ever right itself under the fetishes of the old antebellum party nomenclature. With an old guard, stand pat, Bourbon, Tammany-type element in each party, a minority madly clinging to the saddle and, sometimes, it would seem driving the beast to its death, with a majority in each who are semi-independent and rebellious, yet smothered progressives, and with a South by tradition unable to vote a ticket bearing a certain name no matter what it thinks, the only logical thing to do would be to change our nomenclature and line up according to our political beliefs. But the spell of party name is too strong upon us. We have voted in America too long for party and for men and not for measures, and men voters are accustomed to that way of thinking but women voters are now keen about measures. It would be well for us Americans to remember too that government is a living, growing institution and that new conditions will always demand new adaptations.

The woman mind perceives also quite clearly that parties and governments must be readjusted from within. She knows too that although she has or is to have the vote that she is not in yet. She has been observing and thinking for some time from without. With

nothing to lose and little to gain, she speaks her political mind freely. When once in, who can say how the miasma of politics shall dim her perception and dull her reactions? It is safe to predict however that her choice of party will be affected little if any by flattery, cajolery or specious claims of advocacy of the suffrage cause.

The woman mind is as yet somewhat academic so far as politics are concerned. Although she has taught practically all the male minds of the United States their first steps in history and civics, nevertheless her own knowledge of these things has been little supplemented by actual practices. She is rather innocent as yet and somewhat gullible; for instance, in spite of what she sees, she is liable to believe what the books say, that political parties are groups of people organized to influence government policies, that a democracy is a government that rests on the will of the people, and that a republic is a representative democracy whose chief executive is a president. Books and life are sometimes different.

One would naturally think that women would be highly conservative but the expressed woman mind is now decidedly inclined to liberalism with even a dangerous little turn here and there to radicalism. This is only consistent with her conditions. She has belonged a long time to the "have nots." The "have nots" are always somewhat radical; they must be or why oppose "*the haves?*" But liberalism leaks at the top, they say in old England, and doubtless in the end one will find the women voters divided into about the same proportion of conservative and liberal thinkers as one finds among the men. To say that one is liberal or conservative in America, however, has as yet meant little. One is not permitted to express such petty things by vote over here. Here both

parties stand for "*progress*" in their speeches and both have sometimes seemed to be chiefly occupied in saying their prayers to their ancestors. In America you vote for your party or you get nothing; you work for party and become a "deserving Democrat," etc. It is not necessary to have opinions. This is the part of politics not yet comprehended by many women.

And then, finally, the woman mind does not entirely escape sex coloring. As a citizen, she will have the same cares, the same anxieties, the same burdens, the same compensations that she has carried as a wife, a mother, a sister, or a daughter. Her duties to her dependents, the welfare of her loved ones, her responsibility to her kind will always be with her. These human relationships have endowed her with a wealth of sympathy and with a capacity for self-sacrifice. For this reason alone, her contribution to the body politic will have a character all its own.

At present the woman mind is much occupied with certain things that brought her into politics. The woman mind, for instance, desires political freedom and justice for all women and she will not be content with some of the camouflage that has been offered up to date. The woman mind desires industrial justice, for instance, equal wage for equal service. Woman is tired of the exploitation of her kind, of twice the work sometimes for one-half or one-third the pay. The woman mind desires a democracy that offers equal opportunity to all, male or female. The woman mind feels that maternity and infant life is worthy of a nation's care. She is particularly adverse to child labor. Conservation of natural resources appeals to a woman's instincts and she resents profiteering and cornering of the necessities of life. Woman considers health and public works and education fit subjects for

great national executive departments and lastly women long for international peace and consider it a goal of civilization in keeping with the truest Americanism. It is for the lack of these things in America's program to-day that the woman voter is now clad in sackcloth and ashes; no matter what her party be, it is for the hope of these things that she turns her mind to politics. The woman mind sees two allies with whom she could work out her ideals—the man in seclusion

whose courage has failed him because the cards seemed forever stacked, the boys who came back eager for the battles of reconstruction. What could not these three achieve together? Shall we always sit supinely back and let political tricksters thrive and prosper while a darker world day hangs on the horizon, or shall we arise and claim our birthrights, a voice that is to be heard in this government once projected to be by the people, of the people and for the people.

THE FATE OF THE FIVE-CENT FARE

XIII. PHILADELPHIA SUCCUMBS

BY EDMUND STIRLING AND MORRIS LLEWELLYN COOKE

An operating company, burdened by unconscionable rentals and fixed charges, surviving the war on the five-cent fare; the fare raised last November over the protest of a manager faithful to the old rate; opposition between management and financial control—these are some of the reasons why the story of the Philadelphia Rapid Transit is extraordinary.

THE Philadelphia street railroad situation is altogether up in the air. The recent increase in fare from five to seven cents or four tickets for a quarter must be considered simply as a "stop-gap" to hold the situation until a valuation of the property now under way can be completed. Nothing has been finally settled. But except for the single item of the valuation the stage seems set for a decision which will bring to an end a generation of remedies which have proved more troublesome than the ills they sought to cure.

The Philadelphia Rapid Transit Company is an operating company solely, possessing no franchise as a street railway and obliged whenever occasion arises for the extension of tracks, etc., to employ the franchises of

its leased properties or to organize and charter a new company for the purpose. This imposes upon it the necessity of maintaining, on paper, a separate corporate organization for scores of companies, involving expense and a complicated procedure, and, in the case of some of the older companies, a serious obstacle to efficiency.

THE P. R. T. INHERITS HEAVY BURDENS

There is good reason to believe that when the Philadelphia Rapid Transit was formed in 1903 to take over the Union Traction it was not seriously contemplated or intended that it would be successful. The Union Traction, being the outcome, indirectly, of the shameful franchise steal of that year, by which a coterie of politicians ob-

tained from the state and city authority to build a whole series of elevated lines, was confronted with a situation so impossible that the burden was shifted to a new company which in turn was required for its own protection to buy the stolen franchises at a price said to have exceeded \$1,500,000. It will be recalled that John Wanamaker tendered the city \$2,500,000 for these franchises but his check in payment was contemptuously rejected by Mayor Samuel H. Ashbridge. Not one of these franchises was ever utilized. All were allowed to lapse as part of a subsequent bargain with the city by which the Philadelphia Rapid Transit was relieved from certain oppressive obligations. By the lease of the Union Traction, the shareholders of the latter were guaranteed a 6 per cent dividend on the par of their stock (\$50) although only \$17.50 had been paid in, and it was soon evident that the Philadelphia Rapid Transit could not carry the burden and at the same time keep its service abreast of the demands and fulfill its own and the underlying companies' charter obligations.

In 1907, facing a still more serious situation owing to the expiration of the paving guarantees given by the contractors and confronted with the prospect of the enormous cost that would be entailed when the company would be required to repair and maintain the street pavements itself, an adroit scheme was devised to secure relief from the city. The assistance of a group of retail merchants was invoked, by an appeal to their self-interest in an efficient street railway service, and upon the representation that the company's credit would be restored and thereby enabled to make the improvements and extensions even then imperatively demanded by the growth of the city, the "contract of

1907" was devised and the consent of the mayor and councils obtained. By this contract the company was relieved of the maintenance of the paving on the streets occupied by its tracks, of the annual license charge on the cars operated, and the ordinance of 1857 which expressly gave the city the right to take over the property of the street railways upon payment of their cost was repealed. In lieu of the specific services required of the company a lump-sum payment was substituted, a sum which was soon found to be far less than was needed to perform the service, and all that the city got was the promise of half the net surplus after operating expenses, fixed charges (including the 17 per cent to Union Traction and rentals reaching in some cases to from 40 to 70 per cent on the paid-in capital of underlying companies), and 6 per cent cumulative to the Philadelphia Rapid Transit shareholders! Needless to say, the city has never received a cent, and the shareholders of the Philadelphia Rapid Transit got no dividends at all until within the last three or four years. Arrears approximating \$14,500,000 will have to be paid Philadelphia Rapid Transit stock holders before the city can begin to participate.

A further stipulation of this 1907 agreement provided that the company could not change the "existing rate of fare" without the consent of the city. The subsequent creation of the public service commission has deprived—or is likely to deprive—the city of its only material consideration for agreeing to this contract.

In 1910, the situation of the Philadelphia Rapid Transit was again so desperate that the intervention of E. T. Stotesbury and the Drexel banking interests were invoked, and Mr. Stotesbury took charge of the property, through a voting trust, and under

conditions that were to ensure a better method of financing and material increase in the facilities and services of the company. Additional capital was secured, the Philadelphia Rapid Transit shareholders being required to pay up the full amount of their stock, and council's consent to a \$10,000,000 bond issue was secured. This resulted in a marked improvement in operating conditions, new cars were purchased, and Thomas E. Mitten, who was brought from Chicago to manage the property, established relations of co-operation and confidence with the employes which have been conspicuously successful.

HIGH SPEED LINES PROJECTED

In 1912, there being no prospect even under the improved management of any extensions of lines, a movement was set on foot by Mayor Blankenburg, the city's reform executive, to plan a system of high speed lines to be built by the city and operated under lease by the Philadelphia Rapid Transit. An expert study of the situation was made, solely from the viewpoint of the public needs, legislative authority to enter upon a program of construction was secured, and a new department of the city government was created to carry on the plans. To this movement, the management of the Philadelphia Rapid Transit was luke-warm, offering little co-operation and at times even obstruction. It was only after long delay and persistent effort that a tentative acceptance of the principle of the city's plans was secured from the Philadelphia Rapid Transit directors, but all efforts to pin the company down to a definite agreement on the terms of a lease were futile. Nevertheless the city went ahead with its program, and at a popular election in 1915 loans aggregating

about \$70,000,000 were authorized by the voters for the construction of subways and elevated lines. The work was actually begun on an elevated line to Frankford and on the Broad street subway, when the war intervened and the major part of the construction work had to be abandoned.

Meanwhile the negotiations with the Philadelphia Rapid Transit for a lease of the city's high speed system when and as completed went on, and late in 1916 announcement was made of an agreement between the Philadelphia Rapid Transit and the then director of city transit upon the terms of a lease which in some respects was so directly at variance with the position hitherto maintained by the director that it was rejected in June of the following year as being unduly favorable to the Philadelphia Rapid Transit. The new director of city transit was instructed to negotiate with the company for a new lease fair alike to the company and the city. After prolonged study and many conferences a new agreement was reached in August, 1917, by which the city was to have had a certain supervision over the street railway service, the fare was to be made flexible to meet the cost of service and a 5 per cent dividend to the Philadelphia Rapid Transit. This lease, after exhaustive debate in councils was amended and adopted in February, 1918, but the state public service commission after deliberating upon it for nearly an entire year rejected it, January, 1919, principally on the ground that their approval would be in effect an approval of the iniquitous contract of 1907, because the rate-making provisions were not based on the value of the property used and useful in the public service, and because the measure of supervision given the city by the terms of the lease was regarded as an invasion

of the rights and jurisdiction of the commission.

Meanwhile the inadequacy of the facilities of the Philadelphia Rapid Transit has grown more and more acute. Mr. Mitten, for the Philadelphia Rapid Transit anticipating serious congestion during the winter of 1920-21, has made many appeals for the expedition of the work on the Frankford elevated as the first and most urgently needed unit in the city's system. But there has yet to be formulated an agreement as to the conditions under which the line shall be operated. Mr. Mitten has said that the company will pay a rental sufficient to meet the city's carrying charges on the construction costs of the line, but that it is unable to provide rolling stock or even to find the money for the electrical stations which are an essential part of the power system! The city, not knowing, under these circumstances, whether the line is to be operated by the Philadelphia Rapid Transit or by the city itself or by another lessee, has been seriously handicapped in making contracts for cars, and for the physical connection of the Frankford line with the Market street subway and elevated system of which the former is primarily designed to be operated as a part.

THE FIVE-CENT FARE THROUGHOUT THE WAR

During the entire period of the War the Philadelphia Rapid Transit managed to maintain the five-cent fare, by efficient operating methods, by continued harmony and co-operation among its employes, and by keeping maintenance costs down to the utmost limit. This policy won for Mr. Mitten the enmity of street railway interests throughout the country which found in it an obstacle to their own plans for

increased fares. Mr. Mitten recognizes considerable psychological importance attaching to the nickel in the minds of car-riders. If he had his way adjustments in rate schedules would probably never involve breaking the five-cent piece into pennies. He most certainly recognized that an increased fare in Philadelphia might sooner or later become inevitable, but his policy was to postpone the evil day as long as possible. Confronted by a rapidly increasing deficit, Mr. Mitten in June, 1920, filed with the public service commission a new schedule of fares calling for a straight five-cent fare, the abolition of free transfers, and the limitations of the eight-cent exchange tickets to the territory outside the central "delivery district." In taking this course he acted contrary to the letter of the provision of the contract of 1907 which stipulated that the rates of fare could only be changed with the consent of both the company and the city. This aroused resentment and the city opposed the new schedule, partly on this ground. The commission held up the change, not by a formal order refusing consent, but by a request to the company which request was complied with. Meanwhile, the commission ordered a valuation of the Philadelphia Rapid Transit properties upon which it might reach a final decision as to fares and the return to which the security holders might be justly entitled. That valuation is now in progress.

In September the Philadelphia Rapid Transit management accommodated itself to what appeared to be a change on the part of the city and applied to the city under the provisions of the contract of 1907, for consent to the abolition of all free transfers and of the three-cent charge for exchange tickets. The company's former application to the commission

was justified by the refusal of the city councils, in May, 1918, to give its consent to a six-cent fare, the reason given being that the commission had sole jurisdiction! In turning again to the city the company's purpose was to strengthen its plea to the commission for relief, but it failed in this because after protracted hearings before a committee of the council and a spectacular campaign of publicity undertaken by the Philadelphia Rapid Transit management and men, the problem was passed back to the state commission. But the needs of the company became so desperate, and the danger of a strike of the carmen to back up the demands of the company became so acute, that the company filed, later in September, a new appeal to the commission asking permission to collect the flat five-cent fare on one day's notice. It had previously resorted to the unusual course of asking the public to refrain from asking for transfers or exchanges! Some overzealous conductors and motormen adopted coercive measures and many passengers paid the extra fare under protest.

STRAIGHT FIVE-CENT PROPOSAL RE- JECTED BY COMMISSION

The public service commission took the matter under consideration, held a special session in Philadelphia to hear the views of the councilmen, and finally on October 19, 1920, filed an order fixing the fare at seven cents, requiring the sale of six tickets for twenty-five cents, and retaining the transfer and exchange ticket system. This decision, for which the company had not asked and which it did not want, occasioned much surprise and there were many rumors afloat as to external influences having been brought to bear upon the commission to control its action. That this situation may be

understood, it is necessary to go back to the period of Mr. Mitten's initial application for the straight five-cent fare and the abolition of transfers, June 1, 1920. His action was taken on his own motion and without previous consultation with his directors. It soon developed that there was violent opposition to his policy on the part of Mr. Stotesbury and the banking interests in the board, who through their New York and other outside railway affiliations had no sympathy with Mr. Mitten's attitude toward the five-cent fare. The differences in the board culminated in the resignation of Mr. Stotesbury and other members and an open break in the previously intimate relations between Mr. Mitten and the Drexel-Morgan banking interests. It has been broadly intimated that these interests brought pressure to bear to compel the public service commission to over-rule Mr. Mitten's program and fix a rate of fare which in its judgment would give the company the immediate relief for which it was asking. Under the Mitten proposal the riders who used transfers (furnished free) and exchange tickets (sold for three cents) would have supplied all the increase in revenue. The other 80 per cent of the riders would have been no better off and no worse off than before. But from the politician's point of view less danger lies in adding two cents to the cost of every car rider than in adding either two cents or five cents to the fare of the 20 per cent who change cars to reach their destination. This being so it is probable that Mr. Mitten's proposal was never considered seriously on its merits. Certain it is that everyone who had an ulterior reason for wanting to raise the general rate of fare played up this argument against retaining the five-cent fare.

The new fare arrangement went into

effect on November 1 and was accepted by the public with almost no protest. It is too early to say whether there has been any noticeable falling off in the short-riding habit, about which Mr. Mitten had been solicitous. The increased revenue from the higher fare—notwithstanding the use of the four for a quarter tickets by perhaps 80 per cent of the riders—was greater than was generally expected. Whether it will be satisfactory to the company can only be determined after fuller trial.¹

EMPLOYEES' REPRESENTATION

Public opinion in Philadelphia on the merits of the fare systems advocated by the Mitten and Stotesbury interests respectively is somewhat

¹ The new rates went into effect November 1, 1920. Just before Christmas the Philadelphia Railroad Transit Company filed the following statement with the public service commission showing operations for month of November, 1920, as contrasted with November, 1919:

Items	1920		1919	
	Passengers	Passengers	Passengers	Passengers
7-cent fares	7,574,216	.....	.....	.....
6½-cent tickets	47,508,209	.....	.....	.....
5-cent fares .....	.....	56,896,383	.....	.....
3-cent exchanges ..	4,058,961	4,643,731	.....	.....
Joint rate passengers				
foreign lines	856,173	620,879	.....	.....
Transfers.....	12,362,162	12,911,781	.....	.....
Fees	427,978	440,535	.....	.....
Totals	72,787,699	75,513,309	.....	.....
November Items	1920		1919	
	Revenue	Revenue	Revenue	Revenue
7-cent fares	\$530,195.14	.....	.....	.....
6½-cent tickets	2,969,263.06	.....	.....	.....
5-cent fares .....	.....	\$2,844,819.15	.....	.....
3-cent exchanges .	121,768.83	139,311.93	.....	.....
Joint rate passengers foreign lines	35,270.46	19,541.04	.....	.....
Totals	\$3,656,497.49	\$3,003,672.12	.....	.....

Per cent increase over 1919 revenue, 21.73.
Per cent decrease over 1919 passengers, 3.61.

clouded by the pending differences between their principal protagonists. Mr. Mitten's theory in justification of his plan was that it would have reduced the number of transferring passengers thus relieving cars that could be transferred to lines where the congestion is greatest. On the other hand the plan finally adopted by the commission does distribute the increased fare burden on all riders and is therefore to that extent the most equitable. Nevertheless, there is widespread sympathy with Mr. Mitten, and the loyalty and support of the employes of the company, in its fight for larger revenues, has been a significant and most unusual manifestation of the success of the Mitten plan of employee co-operation. This plan involves consultation with freely elected representatives of the employes in all branches, on all matters relating to their particular work. In addition sick and death benefit and saving funds have been established with the full co-operation of the men, and the results are manifest in the relations of the Carmen to the public.

Mr. Mitten's success in building up cordial relations between men and management constitutes a real contribution to American industrial relations. That he has been able to go so far in an industry which is very highly unionized is especially noteworthy. Two facts in this connection must claim our attention; first that Mr. Mitten is undoubtedly aided to some extent in the efficient operation of the property by the fact that his employes are non-union; and, second, that his plan might ultimately prove unworkable were it not for the fact that the industry is generally unionized since Philadelphia Rapid Transit rates of pay are based on the average paid in four unionized cities, *i.e.*, Buffalo, Detroit, Chicago and Cleveland. There

is food for thought here both for unionists and for those who oppose unions.

NO PERMANENT SETTLEMENT YET

The present fare increase, however, settles nothing as to the future of the company. If continued long enough it may be effective in restoring the credit of the Philadelphia Rapid Transit, now non-existent, but in the meantime the city is in imperative need of extensions of service which the Philadelphia Rapid Transit is utterly unable, according to its own statements, to give. What the outcome of the valuation may be, in relieving the company and the community from the extortionate and excessive rentals paid the underlying companies, no one can safely predict. For the present the rate increase will tide the company over immediate difficulties and enable it to keep its compact with its employes to increase wages, but whether it will put the Philadelphia Rapid Transit in a position to fulfil its obligation to the people, and to co-operate with the city in the operation of its high-speed system, are problematical. There are expert authorities on the transit situation who believe that only by the road of bankruptcy and reorganization with all the loss to the Philadelphia Rapid Transit stockholders and the delay, confusion and litigation attendant upon such a process, can Philadelphia hope to have a local transportation service commensurate with its needs. The public is willing to pay a fair rate for the service, but there is unalterable opposition to an indefinite continuation of a situation where so large a proportion of the gross revenues from the riders goes into the pockets of the owners of dead companies and to pay for equipment long since scrapped and useless.

A feature of inherent interest and

importance in the Philadelphia Rapid Transit situation is the personality of Thomas E. Mitten. He is a man of marked ability, great force and unusual resourcefulness. Judging by that part of his career since his arrival in Philadelphia he stands out among utility men in his appreciation of the value of public opinion. It has been stated on good authority that he has an ambition to work out relations with the public as generally satisfactory as those which he now enjoys with the company's employes. If the obstacle of the exorbitant rentals paid to the underlying companies could be removed one would be tempted to hazard the guess that he might succeed in this ambition. Mr. Mitten is neither an ascetic nor mysterious. He is an astute planner, hits hard and believes that it is in the interest both of the public and the employes that he should consider his stockholders as his first concern. For this he does not apologize. He apparently works on the theory that his stockholders' interest cannot be pursued without a regard for the interests both of the public and the employes. On the other hand his type of mind turns more enthusiastically to schemes for effective operation of his property than to financing. He is one of a very few street railway managers who consider that we are only at the beginning of knowing how to provide cheap and otherwise effective street railway service. It is quite generally conceded that in view of the many and serious handicaps which burden the Philadelphia Rapid Transit Mr. Mitten gives a service which is businesslike and effective.

Perhaps the best feature of our situation is that the basic facts have not only been pretty well developed but are pretty well understood by the people generally. For this condition which is almost unique in American

cities we have the first director of city transit, Mr. A. Merritt Taylor, and his successor, Mr. W. S. Twining, very largely to thank. At least it can be said we are not moving in the dark. No perfect solution can be expected to grow out of a history in which venality and uncompetence have played

such conspicuous rôles. But a final adjustment of Philadelphia's street railroad problem is apparently at hand. From present indications the contending interests will be dealt with in a spirit of fairness, but at the same time some wrongs are going to be righted in the process.

CITY-MANAGER MOVEMENT

PROGRESS OF THE CITY-MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

VII. REPORTS FROM MANAGERS IN THE PRAIRIE STATES

(Continued from the January, 1921, REVIEW)

IOWA

IOWA has at the present time twelve cities operating under or pledged to the city-manager plan. Only two of these, Dubuque and Webster City, have adopted commission-manager charters. The others have created the position of manager by ordinance in accordance with state law authorizing such action.

Labor Backs Manager Plan

DUBUQUE. Population, 39,141. Commission-manager plan adopted January 26, 1920. The council of five took office on April 12, and the first manager, Ossian E. Carr, assumed duties June 1, 1920; salary \$8,400.

The city-manager plan in Dubuque was originally advocated largely by labor organizations, and the election was carried chiefly through their efforts. Of the five councilmen, two are acknowledged labor leaders. The new administration is strongly supported by both labor and business interests.

The outgoing administration left the city with accounts badly over-

drawn. Nearly \$100,000 of current funds had been spent in advance in addition to an inherited floating debt of some \$250,000. The state auditor reported \$550,000 in delinquent taxes on the city books. Manifestly the first things to be done were to curtail expenses and collect delinquent taxes. Within two weeks the city payroll had been reduced by \$2,500 a month. In view of the local aversion to buying tax titles, upon the suggestion of one of the councilmen, a company was formed with an authorized capital of \$300,000 for the purpose of buying tax titles at the annual tax sale. Through publicity as to what was being planned, \$150,000 in back taxes were paid into the treasury immediately preceding the December tax sale. It is estimated that the first two years under the new plan will be devoted chiefly to straightening out municipal finances, after which time due attention will be paid to installing needed improvements.

As an indication of business methods, the dog licenses collected amounted to \$2,200 as compared to \$47 in 1919. Unused material and equipment to

the amount of \$2,000 has been sold. An old fire hall has been converted into a municipal garage. The highway equipment is being motorized, and a modern steam-heating plant has been installed in the city hall. Some 2,500 yards of bituminous macadam have been laid by city forces at \$1.20 a square yard.

The three local newspapers and apparently a large majority of citizens are solidly behind the new form of government.

Mr. Carr is a municipal engineer, and is now holding his fourth position as city manager, having previously served at Cadillac, Michigan, Niagara Falls, New York, and Springfield, Ohio.

Average Saving of \$36,000 a Year

WEBSTER CITY. Population, 5,657. Commission-manager charter effective October, 1916. G. J. Long, the second manager, was appointed April, 1917; salary \$2,400.

Webster City went through the war period with an electric light rate of 6c. per k. w. h. for residence consumers. The light plant has been equipped with a new 350 h. p. boiler and a 1,000 h. p. turbine is to be added.

The paving programme includes four miles of construction.

It is worthy of note that Webster City has saved an average of \$36,000 a year since adopting the manager plan.

Mr. Long is 36 years old, a graduate engineer and experienced in municipal work.

Spotlight Shifted from Purse to Person

CLARINDA. Population, 4,511. Manager plan by ordinance April, 1913. Henry Traxler, the second manager, was appointed May, 1919; salary \$2,700.

Just prior to Mr. Traxler's appointment, the electors had "thrown out of office the so-called business type of

council backed by the commercial club."

The new manager writes: "We at once undertook to bring together the two opposing factions, 'the business men and the others' through a plea for community spirit. With a few well-placed social 'get together' functions we have been able to build a real community club, and have run the membership from 180 to 1,000. We got them all in and interested and have plans to keep them interested. Anyone having any experience with small town factions knows that the farmer and the city man seldom hitch. It is our hope to put them into the same harness. We have made a good start."

Streets, lawns and private yards are kept clean in every way. "So much so that 'there ain't no such thing' as a back yard in Clarinda—they are all front yards."

The city has issued \$20,000 worth of bonds which will be used in buying up some unsightly places and converting them into parks and playgrounds.

The city owns and operates the only theatre in town and offers many fine attractions. A public dance hall is also under the supervision of the city.

During the past year contracts have been let for construction of an entirely new waterworks plant. It will be placed in operation April 1, 1920, and has a capacity of 1,200,000 gallons every day.

A modern light franchise has been engineered through, insuring fairness to both public and operator.

Mr. Traxler is 32 years old, a graduate civil engineer experienced in municipal work.

Mt. PLEASANT. Population, 4,170. Manager plan by ordinance April, 1916. T. W. McMillan, manager; salary \$1,800.

The manager plan was adopted just after the completion of an improve-

ment programme covering a period of 10 years; hence, no heavy work was required during the war years. This past year, however, the city contracted for a new unit that doubled the capacity of the light plant and extended the water and sewer systems.

Mr. McMillan is 45 years old, trained in public utilities, and serves as superintendent of the Mt. Pleasant electric light and waterworks.

Cash Balance Equals \$10 Per Capita

IOWA FALLS. Population, 4,000. Manager plan by ordinance May, 1914. J. O. Gregg, the second manager, was appointed May, 1917; salary \$1,800.

Mr. Gregg reports:

With the increased cost of everything, we have paid \$7,500 this year on outstanding bonds issued in former years, and will complete the year with a cash balance in the city treasury of over \$40,000, which practically offsets all outstanding indebtedness of all kinds of the city, this with a reduction in the tax levy.

While no extensive improvements have been made during the past year, we have put in additional water mains, have let contract for the drilling of a new well, and will in the very near future let contract for the equipment of same, have constructed several hundred feet of cement sidewalks and have put over two thousand loads of cinders on the unpaved streets and highways.

We are now making arrangements for a camping park for tourists who happen to come this way via auto. This city being situated on three trunk line auto trails, we want to take care of the tourists.

Mr. Gregg is 51 years old and served as city clerk prior to his appointment as manager.

People Support Plan

ANAMOSA. Population, 3,000. Position of manager created by ordinance May, 1919. W. F. Hathaway, who formerly held the triple position of city clerk, water commissioner and city marshal, manager; salary \$1,800. After a few months' trial of the new

plan, the manager reported: "Already we have made the town look different, and are getting on a good business basis. Better yet, the people are with us almost to a man."

Mr. Hathaway is 37 years old, is experienced in public utilities and served in the army for years.

SHENANDOAH. Population, 5,750. On October 16, 1920, the city council agreed to employ a city manager as soon as a suitable man could be found.

ESTERVILLE. Population, 4,200. Manager plan by ordinance established May, 1919. F. G. Connelly, manager; salary \$3,000.

MAQUOKETA. Population, 4,000. Manager plan by ordinance June, 1920. Guy O. Morse, manager; salary \$2,400.

MANCHESTER. Population, 3,160. Manager plan created by ordinance May, 1916. Thomas Wilson, the second manager, appointed May, 1917; salary \$1,440.

Mr. Wilson is 64 years old and a surveyor. He served as city clerk and engineer before becoming manager.

VILLISCA. Population, 2,170. Manager plan by ordinance May, 1919. W. J. Oviatt, manager; salary \$1,200.

Mr. Oviatt is 50 years old and ran a dairy before becoming manager.

WEST LIBERTY. Population, 2,000. Manager plan by ordinance April, 1920. C. J. Mackey, manager; salary \$2,000.

ILLINOIS

Illinois has produced an interesting development of the manager idea, namely, the village manager in the residential suburbs of Chicago. The laws covering Illinois villages are such that while the position of manager is created by ordinance and elections are presumably partisan, there is a fair chance for the working out of the manager idea.

Co-operative Spirit Among Employes

WILMETTE. Population, 7,824. Position of village manager created by ordinance October, 1918. C. C. Schultz, the second manager, was appointed December, 1918; salary \$2,100.

Mr. Schultz writes:

The manager plan in Wilmette is working out very well, and as far as I know the plan is generally popular.

The system has eliminated a lot of red tape in the manner of handling complaints. All complaints receive very prompt attention, a fact which has brought many compliments.

The purchasing of all supplies, the collection of all money due from miscellaneous sources, in fact, all the business of the village is on a strictly business basis.

We are in close touch with all our employes and are getting the very best service from all our departments. A fine spirit of co-operation exists among our departments, and all have the same object in view, namely, to give the best service possible to the public.

Mr. Schultz is 48 years old; trained in general business and village government.

Continued Progress at Winnetka

WINNETKA. Population, 5,115. Position of business manager created by ordinance January, 1915. H. L. Woolhiser, the second manager, was appointed May, 1917; salary \$4,500. He reports:

During the past year we have completed five miles of concrete pavements, so that 95 per cent of our streets in public use are paved.

Our fire department, which was formerly merely a volunteer organization, under a part time fire marshal, is now in charge of an experienced chief, with two full-time firemen, in addition to the volunteer organization.

We have installed an American-La France triple combination pumping engine, and are planning a number of other improvements during the coming year.

An election to authorize a bond issue of \$90,000 to provide a filtration plant was successfully carried, and plans and specifications for the

improvement have been completed. Difficulty in acquiring the property desired for the site made it impossible to begin construction last year.

A systematic survey of water waste has cut our distribution system losses in half and helped to offset the increased cost of coal, which has advanced from \$2.15 per ton to \$4.15 during the last three years.

In spite of increases in operating costs, ranging from 25 per cent to 150 per cent, our water and electric light departments are still showing comfortable surpluses, with rates unchanged.

All advertising signboards exceeding nine square feet in area have been eliminated from the village, under the theory that Winnetka is primarily a residential community where conspicuous advertising displays are manifestly inappropriate.

We have made a real start toward carrying out the recommendations of the report of our plan commission, special assessment proceedings for a through truck traffic route having been instituted, negotiations being in progress toward acquiring the property for park areas around one of our railway stations.

Under a recently enacted Illinois statute, empowering municipalities to establish restricted building districts, we have appointed a zoning commission, which is actively working on a zoning plan for Winnetka.

Mr. Woolhiser is 33 years old, a graduate electrical engineer, and trained in public utilities.

Lowest Per Capita Fire Loss in State

GLENCOE. Population, 3,295. Position of general manager created by ordinance January, 1914. H. H. Sherer, manager; salary, including that received as township highway commissioner, \$5,000.

Achievements for 1919 are summarized as follows:

Purchased site for community center and plans developed for improvement of site.

Glencoe's plan commission has employed an architect who sits with the commission which now approves all plans having to do with the physical improvements in Glencoe.

Glencoe divided into forty-five districts to secure aid in street maintenance from property

owners. Gratifying results. Purchase of ten-ton roller made possible by this plan.

Township builds first mile of concrete road out of its own funds.

Township cut in half the former contract price of weed cutting with labor costs increased nearly 100 per cent.

Use of building on park property to house teachers of grammar school.

Pitometer test of water system made during year.

Secured county aid to extent of \$12,000 on one of Glencoe's roads.

Increased athletic equipment at bathing beach by several hundred per cent.

Organization of groups of men who hold semi-monthly meetings to discuss Glencoe's problems.

Secured rating in January as city having lowest per capita fire loss in Illinois.

Have lived within our income for six successive years under manager plan.

Mr. Sherer is 37 years old, experienced in street construction and public works prior to his appointment. His salary has been increased five times.

KENILWORTH. Population, 1,400. Manager plan by ordinance of the village trustees, September, 1920. F. L. Streed, manager; salary \$2,400.

MINNESOTA

Motorizing Fire Apparatus

ANOKA. Population, 4,287. Modified commission-manager charter effective April, 1914. Henry Lee, manager; salary \$1,500.

Mr. Lee writes:

We are still making improvements. We started a paving job late last fall amounting to \$105,000, which is about one-half completed. We also expect to put all our electric light wires under ground through the business part of the city. We are calling for bids for two motor-driven fire apparatuses to replace our horse-drawn rigs, which will be open April 6. Have purchased about five acres of land located in the center of the city, which will eventually be used for park purposes. The commission-manager form of government seems to be satisfactory to the majority of people here.

Mr. Lee is 60 years old, and serves as city clerk in addition to his position as manager.

Break All Records for Improvements

PIPESTONE. Population, 3,500. Manager plan by ordinance May, 1917. V. H. Sprague, general superintendent, succeeded F. E. Cogswell, September, 1920; salary \$3,000.

During 1919, although costs of material and labor practically doubled, Pipestone's tax levy remained practically stationary, yet "there never was a time in the history of the city that as many improvements have been made as during 1919."

These improvements include the investment of \$78,250 in paving, \$12,886 in sewers and \$14,340 in water mains. In addition \$4,000 was spent in repairs to the waterworks system and in installing fifteen new fire hydrants and twenty new water gates.

In Pipestone the manager is by no means the office boy of the city council, as he has had to personally promote much needed improvements and frequently present city matters to meetings of the business men's association and in the church. This was particularly true in urging improvement to the wage system.

When the new plan went into effect, the city sewer system was practically out of operation, and it was estimated it would take \$20,000 to place it in working order. It has now been restored to first-class condition at practically no expense. The city has purchased a fully equipped triple combination fire pumper, has reduced fire hazards by condemning the old wooden buildings, until now all of the business section of the city is practically cleared of frame structures.

Traffic laws have been strictly enforced with the result that no one has been injured through a street accident,

and the injuries to automobiles have been very slight.

Bootlegging, gambling and vice in general have been strenuously attacked and practically eliminated.

Civic spirit has increased with the city improvements.

The resigning manager wrote:

The question of cleanliness and civic pride has received considerable attention, resulting in the general expression that we are the cleanest city in the state. This is more noticeable to strangers who knew the conditions three years ago when the city-manager plan was adopted. We were then the dirtiest city in the state. We have miles of well-kept twenty-five foot parkways on thirty foot paved streets, each property owner vying with his neighbor to keep it in the best shape.

A municipal skating rink has been established and is crowded daily.

A local paper writes: "The city superintendent plan has been in operation here for three years, and in that time has proved a big success from every view point."

Mr. Cogswell is 53 years old and spent some years in railroading prior to his appointment as manager. Mr. Sprague is a civil engineer.

MORRIS. Population, 3,500. Modified manager charter effective January, 1914. Frank J. Haight, the second manager, was appointed January, 1918; salary \$1,800.

Mr. Haight is 34 years old and has had general business training. He is experienced in engineering and public utilities.

ARKANSAS

Hard Sledding for Bankrupt City

HOT SPRINGS. Population, 18,000. Commission-manager charter effective April, 1917. A. G. Sullenberger, formerly city clerk, succeeded George R. Belding as manager January, 1921.

Mr. Belding writes: "I am frank to say that the plan has never had an

opportunity to really show what it could do on account of lack of funds. Hot Springs formerly enjoyed a revenue from saloons, bawdy houses, gambling houses, etc. This revenue has all been swept away by the legislation enacted by the general assembly of the state."

The deficit for the year 1919 alone amounted to over \$43,000. It is estimated, however, that the city will receive some \$40,000 from the occupation tax recently authorized by the state.

The biggest achievement of the past year has been the securing of a first class water supply through arrangement with the Hot Springs Water Company.

The police and fire departments have shown marked efficiency this past year, and with limited facilities the street department has kept the streets "in better condition than in years."

Manager in Name Only

MONTICELLO. Population, 3,500. Manager plan by ordinance June, 1918. A. M. Bell, the second manager, appointed January, 1920.

A recent letter from Monticello states: "The city manager plan, so called, here, is a mere joke. A few old-time councilmen interfere until you may consider the manager has no authority."

BENTONVILLE. Population, 3,000. Position of manager created by ordinance September, 1915. J. C. Grimes, the second manager, was appointed May, 1920; salary \$1,800.

Mr. Grimes' chief duties seem to be the management of municipal water and light plants.

SOUTH DAKOTA

CLARK. Population, 1,335. Manager plan created by ordinance May, 1912. J. E. Smith, manager; salary \$1,200.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE SCIENCE OF HIGHWAY TRAFFIC REGULATION, 1899-1920. By William Phelps Eno. New York, Brentanos, 1920. Pp. 99.

The problem of regulating traffic on city streets is to-day a more or less serious and vexatious one in practically all communities, at least all with population above 20,000. Mr. Eno, in this book, discusses the fundamental principles involved in the science of traffic regulation and makes timely suggestions in respect to their application to meet local conditions. The most illuminating sections of this volume are Parts I-VI inclusive. These comprise consideration of such matters as General Highway Traffic Regulation, Traffic Guide, The Rôle of the Police in Traffic, Special Highway Traffic Regulation, Safety and Other Restricted Zones. Mr. Eno states as a traffic axiom that "Familiarity by the public with the general highway traffic regulations is the key to effective and economical traffic management." This emphasis on the need for widespread education of the public in respect to the significance of traffic regulation is timely. The author could well have stressed equally the need for courageous prosecution of violation of traffic regulation. Somewhat too great emphasis is placed by the author, in forming conclusions, on conditions prevailing in New York, Paris and London. Obviously standards for those communities are not likely to be suitable for conditions in Oshkosh, Wis., or Houston, Texas. However, this tendency does not detract seriously from the real educational value of the book. It is a valuable contribution to a subject affecting the interests of every citizen. It could be read with advantage not only by the official responsible for regulating traffic, and the vehicle operator, but also by the public at large.

W. A. BASSETT.

New York Bureau of Municipal Research.

TRAVELING PUBLICITY CAMPAIGNS: EDUCATIONAL TOURS OF RAILROAD TRAINS AND MOTOR VEHICLES. By Mary Swain Routzahn. New York, Russell Sage Foundation, Survey and Exhibit Series, 1920. Pp. 151.

This is a review of the numerous attempts made within the past few years to conduct publicity campaigns over wide territories by

means of educational tours by rail and motor cars. The uses of trains and motor vehicles are contrasted and the advantages of each pointed out. Perhaps the most successful train is typified by the "Hessian Fly Special," which was sent through the wheat region of Kansas by the State Agricultural College in co-operation with the Santa Fe Railroad. Publicity agents were sent ahead to prepare audiences and addresses made at sixty-two stops. The success of the venture was attributed to the emphasis placed on the one message which it was necessary to get across—the seriousness of the infestation and what should be done to protect next year's crops—and also to the fact that all concerned worked together.

While a truck does not provide as much exhibit space as the train, it may go where and when it pleases independent of rails and schedules. It suggests possibilities that are yet untried, while demonstrating its practicality when used for clinics and public welfare agencies.

The purpose of such tours has been to "give information, to create interest in a new movement that is being launched, to revive interest that has become dull, or to serve as an attention-arresting feature of an intensive campaign that aims to produce some immediate results." There is danger of the novelty wearing off. Therefore if these ventures are to prove worthy of further extension care must be taken to prevent them from being spasmodic or unrelated. Definite results should be looked for and careful follow-up work planned and executed as part of the campaign. The aim of these educational campaigns should be to influence people to take definite action as a result of the tour. A general idea of the purposes, forms and extent of the traveling campaigns conducted in recent years is given in the appendix. The volume is admirably concise and should stimulate further development.

MARY FRANK.

New York Public Library.

CHAOS AND ORDER IN INDUSTRY. By G. D. H. Cole. New York, Frederick A. Stokes Co., 1920. Pp. 292.

Mr. Cole is well known as a leading "intellectualist" of the English labor movement, and

this book is part of his unceasing propaganda for guild socialism. It is not an account of national guilds, but "an attempt to apply guild socialist principles to the present economic situation."

"The present economic situation" (*i.e.* in England), of which the industrial disorders of the last year are a symptom, is pretty bad. It has virtually come to this, according to Cole, that the workers have lost all incentive to produce in a society based on profits. To avoid complete chaos, a new motive must be discovered, and guild socialism, with its motive of service, hopes to supply it. Guild socialism may be briefly stated as the establishment of industrial democracy by placing the administration of each industry in the hands of its organized workers, but eliminating profit by placing the ownership in the hands of the public. It stands for "national ownership and democratic control." It differs from state socialism by vesting *control* in the workers, and from syndicalism by vesting *ownership* in the hands of society. How to turn capitalistic industry into such a community of national guilds is the question treated in this book.

Like the syndicalist, Mr. Cole builds on the trade unions. The problem is one of transforming them into national guilds capable of industrial control; of enlarging their scope until they include all workers both by brain and by hand (as compared with financiers or rentiers), and of increasing their powers from control over wages and hours to the point of complete power over all industry. Having so stated the problem, Mr. Cole proceeds to consider the immediate steps to be taken in such industries as mining, railroads, shipbuilding, the engineering trades, the building trades, textiles, retailing, etc.

Stripped of its mass of interesting detail, his argument may be thus summarized: In industries *now* ripe for public ownership, such as mines and railroads, the trade unions should promptly agitate (as the miners are doing) for nationalization, and for such a plan as would transfer the administration to the miners themselves, with some representation for the consumers. In other trades, such as engineering and textiles, where nationalization is, for various reasons, not yet practical politics (or not needed, as in building trades, owing to small fixed capital), the unions should devote themselves to a tireless and unceasing "encroachment" on the powers commonly exercised by employers. This "encroaching control," which Mr. Cole considers

almost the whole gospel for the bulk of workers, ought to secure to the unions three things: (1) the right of hiring and firing, (2) appointment of foremen, (3) collective contracts (as compared with collective bargaining) by which the union receives wages in a lump for output in the mass, and *itself* determines both wages and working hours of individuals.

Strictly, this book is advice addressed to English trade unionists; and while it is written in a lively style, and like all Cole's books, is stimulative reading, its appeal is bound to be local. Moreover, his method of addressing successive industries in turn inevitably involves a rather heavy burden of possibly tedious repetition. For readers unfamiliar with guild socialism perhaps this would be more of a help than a hindrance.

J. A. ESTEY.

Professor of Economics, Purdue University.



THE YOUNG CITIZEN'S OWN BOOK. By Chelsea Curtis Fraser. New York, Thomas Y. Crowell Company, 1920. Pp. 314.

The schools are sadly in need of good textbooks in government,—books which take the best thought available on political organization, treat it with the best available pedagogical solvents, and thus prepare it to be administered to the young people of our country. To prepare such books is as useful and patriotic a service and as real a contribution to the progress of mankind as any that can be offered. But the mere making of text-books is so far from a service that it is actually an injury to the community if the books do not conform to good standards. The labor of the school administrator is difficult enough; it should not be increased by adding to the number of second-rate texts which must be examined in order to be sure that good ones are not overlooked.

The author of the book before us tells us that this is a "text-book on national, state, city, and county affairs," but it is not suited to any of the present current movements for more efficient civic education. Its style is uneven. Some parts of it are addressed to very young pupils; and other parts, as illustrated by the following quotation, are suited only for the mature reader. "In the House the directing power seems unquestionably to be concentrated in the speaker, in the majority members of the Committee on Rules, and in the chairmen of the other impor-

tant committees. The positive leadership of these men seems to be definitely recognized."

A text-book for young persons should be illustrated, but the pictures should contribute to the clearness and completeness of the discussion. In this volume there are eight pictures, three of which present the outside of buildings, two present the inside of rooms while not in use, and one is a bird's-eye view of the city of Washington. None of these serve to add to the effectiveness of the text of the book.

A text-book should lead the reader beyond a mere reading of the printed pages. This book seems to make no effort to stimulate such additional work and thought. It seems to have been written with the notion that the way to study government is to learn the contents of a book of facts. Such notions were held by some teachers twenty years ago, but they are no longer prevalent among leading civics teachers.

EDGAR DAWSON.

University of California.



POLITICAL SYSTEMS IN TRANSITION. By Charles G. Fenwick. New York, The Century Co., 1920. Pp. 316.

Professor Fenwick's *Political Systems in Transition* is one of three works which inaugurate the Century New World Series, edited by Dr. W. F. Willoughby. The author of this volume has undertaken to trace the necessary changes in the governmental systems of the belligerent powers to fit them for the more complicated work of administration the war necessitated. In successive parts are treated, "The Political Ideals and Demands of the War," the "Changes Brought About by the War in the Political Institutions of European Countries," the "Changes in the Political Institutions of the United States," and "Problems of Reconstruction in the United States Raised by the War." The writer has not contented himself with a mere listing of the developments in the framework of government, but has discussed the significance of these movements with reference not only to their success in increasing the efficiency of the war machines, but also with reference to their influence on the responsiveness of the governments to popular control. Attention is devoted to the constitutional aspects of these transitions and to the extra-governmental agencies called into being to serve purposes for which no other machinery was to be found.

This book is not only of transitory value. Its scholarly treatment of the acute questions of political science the war problems gave rise to; its frank discussion of issues still fogged by partizanship; its orderly and systematic arrangement of the matter; and the readable style in which it is couched will win for it a place of authority for the political and historical material it contains. We are too near many of the great events of the past few years to feel satisfied in passing judgment upon them. We are inclined to await fuller data and greater perspective. But with many phases of the conflict, prompt analysis of the problems and discussion of their solutions is the better, that the circumstances and atmosphere of the days when the answers were made be remembered and many situations the far view may dim, be kept in mind. Though the author has not refrained from expressing opinion upon a multitude of matters still of controversy, one finds himself in accord so universally with the ideas set forth that it seems almost contentious to allude to those where a different judgment might be entertained. The chapter on New Ideals of Democracy is particularly interesting.

In some of the judgments, expressed, however, the author seems to have rather overstated the case. We had hoped that "the victorious democracies, under the inspiration of the ideals aroused by the war," would be "prepared to take in hand the conditions of their national life and reconstruct their political systems in accordance with those fundamental principles of justice which had been evoked against their common enemy" (Preface), but we do not recall that they were. The problems of peace seem to have been set aside for more immediate questions, in the days before the armistice, as well as thereafter, and we were more anxious to hasten the return to "normalcy," as the author notes in the following paragraph. The linguistic and other nationalistic problems of the new European States are so incomparable to our own that the contrast drawn as to the propriety of having these matters regulated by outside authority seems a little strained (p. 63). The war weakened many of the doctrines of International Law that we had thought established, but that "the old distinction between combatants and non-combatants has been, except in minor respects, entirely wiped out" (p. 45, p. 167) is at least open to debate. The statement that "the burden of taxation must be made to fall upon wealth in due proportion to

its larger enjoyment of benefits created by the state" (p. 244) will not be approved by the greater number of tax authorities who feel that "faculty" rather than "benefits" should be the true measure of the taxpayer's contribution. As the author later suggests (p. 161) it was the need for centralized control, rather than the other difficulties mentioned (p. 160), that formed the chief reason for National control of the railroads in time of war.

But while the reader will note here and there statements to which exception might be taken, they are, on the whole, trivial. Professor Fenwick has written an excellent book which will be valued by the political scientist, the historian, and the general reader.

S. GALE LOWRIE.

University of Cincinnati.



GOVERNMENT AND POLITICS OF FRANCE. By Edward M. Sait. Yonkers-on-Hudson, World Book Company, 1920. Pp. 478.

This volume meets a long-standing need. Heretofore the American interested in the government of our great sister republic has been handicapped by the dearth of available literature on the subject. With the exception of brief accounts by Lowell and Ogg the only treatise in English was a book by Bodley, written in rather an unsympathetic vein and now a generation out of date. Nor is there a comprehensive work in French which thoroughly satisfies the needs of the foreign student, for most of the great French writers have been pre-eminently jurists, and their approach has been that of constitutional law. Professor Sait has not limited himself to a description of the structure of government, but has sought also to picture its actual operation. One of the best chapters of the book traces the course of political development since the foundation of the Third Republic, and another explains in considerable detail the character, aims and organization of French political parties.

The book opens with an analysis of the constitution of 1875 and an account of the struggle between monarchist and republican factions which culminated in its adoption. Succeeding chapters deal rather fully with the powers and influence of the president and the ministry and their relations with parliament and the administration. Three chapters are devoted to the organization and operation of the senate and chamber of deputies. Local government is briefly described, and the

administrative and judicial courts, always puzzling to the American reader, receive adequate treatment considering the scope of the work.

In the course of the book Professor Sait presents a number of projects of reform which have agitated French public opinion in recent years. Among the mooted questions is the expansion of the personal authority of the president. Conservatives are inclined to favor an evolution toward a strong presidency of the American type as a stabilizing force in the administration. At the other extreme stands the proposal of state employes to introduce syndicalism in the administrative services. It is the problem of decentralization, however, which has attracted most attention since the war. Although none of these schemes has materialized, several important reforms affecting parliament have been carried out in the past few years. The most striking is, of course, the revision of the electoral machinery. France has finally adopted a real system of secret voting, although the Australian ballot has not yet been introduced. The law of 1919, restoring *scrutin de liste* and instituting proportional representation, has proved generally disappointing, as was predicted. The scheme, as Professor Sait points out, fails to establish true proportional representation and the results in the election of November, 1919, were quite unsatisfactory. Parliamentary practices have also undergone alteration in some important respects. Standing committees are now chosen by a process which insures fair representation for all parties, and the old anomaly of a budget constructed twelve to fifteen months in advance has been done away with by the granting of votes on account.

The book is designed to meet the demands of both student and general reader. The author has relied upon the best French authorities and the work is well documented throughout. There is also a valuable bibliography at the end. The general reader should find the book of interest, as the style is easy, and a liberal use of illustrations drawn from the history of the Third Republic adds point and zest to the treatment.

R. C. ATKINSON.

Western Reserve University.



THE OUTLINE OF HISTORY. By H. G. Wells. New York, The Macmillan Co., 1920. Two volumes.

This *Outline* begins with "The Making of Our World" and ends with a prophecy of "world-

wide political and social unity." Criticism as to the facts selected for presentation and the relative space given to the different periods would be out of place; for his purpose the author has chosen well. The maps, charts, and illustrations are many, and usually they are noteworthy.

Wells believes that universal history should be "the backbone of a general education," that "the need for a common knowledge of the general facts of human history throughout the world has become very evident during the tragic happenings of the last few years," that "*there can be no common peace and prosperity without common historical ideas.*" He is imbued with a philosophy of history which makes him believe in the "progress of mankind towards a world-wide unity." "The idea of the world state, the universal kingdom of righteousness of which every living soul shall be a citizen, was already in the world two thousand years ago, never more to leave it."

Consequently he has tried not so much to ascertain what the trend of events actually has been, as to select and co-ordinate facts to prove his thesis. He has been fortunate in having the aid of over fifty critics who have pointed out statements which needed correction. He has not always followed their suggestions, but has instead printed their criticisms in the notes. No reader can afford, or will want, to neglect the notes. Ernest Barker and Gilbert Murray frequently register their dissent from the author's views; e.g., "This is a paradox to which I cannot subscribe. Please put me down as

convinced of the opposite." At times they are less outspoken and the general reader will not always realize how vital are their criticisms.

The books suggested by Wells for further reading are well chosen for his purpose. They are books which a journalist would turn to if he wished to get up a subject, or write an editorial, quickly.

This *Outline* is interesting, fascinating, as one would expect, knowing Wells. It is a remarkable feat of journalism, rather than a history. It is written from the twentieth century standpoint, and neither author nor reader loses himself in the past; the modern world is always present. The *Outline* is a tract, a piece of propaganda. "Our *Outline of History* has been ill-written if it has failed to convey our conviction of the character of the state towards which the world is moving. Let us summarize here, very briefly, the main lines to which the developments of history seem to point as the necessary lines of that world organization," etc.

If the reader agrees with Wells's view of the future Utopia he will consider this a great work and its publication a news-item worthy of a place on the front page. The student of history will lay the *Outline* down with a feeling of gratefulness to Wells for another enjoyable book, which will be a useful historical source, in the future, to illustrate one of the points of view at the present day.

D. C. MUNRO.

Princeton University.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Gas Survey in Philadelphia.—Pursuant to an ordinance of the city council approved on December 13, 1920, the mayor of Philadelphia has appointed a commission to make an investigation of the gas supply situation. The commission consists of Milo R. Maltbie, a public utility consultant of New York, as chairman; W. F. Hine, a gas engineer of New York; Charles Day of the engineering firm of Day and Zimmerman of Philadelphia; and two local citizens, Howard R. Sheppard and Thomas F. Armstrong.

The purpose of the investigation is to secure the advice of experts and the benefit of a general survey of the gas situation before the city takes action to establish permanently a new standard governing the quality of the gas. About the middle of August, 1920, the twenty-two candle power standard specified in the gas lease was suspended on plea of the operating company, and a heat unit standard specifying a minimum of 530 British Thermal Units was adopted temporarily. This new standard continues in force until April 1, 1921, by which time the ordinance calls for a report from the investigators.

The gas situation in Philadelphia is unique in that the gas facilities are owned by the city and are leased to a private company, the United Gas Improvement Company. A thirty year lease was given to the company in 1897 with the stipulation that the company should make extensions from its own funds, and maintain the gas works in first class condition and with the best and most economical processes of gas manufacture in use. On December 31, 1927, the complete facilities become the property of the city without cost. The lease specified a charge of one dollar per 1,000 cubic feet for gas delivered to the consumer, subject to reduction by ordinance of council. The company's share in these receipts was made in a constantly decreasing proportion of the total receipts. Thus far the charge for gas has been maintained at one dollar, and the payments by the company to the city have accordingly increased from time to time. Since January 1, 1918, the company has received 75 cents and the city 25 cents of each dollar of receipts for gas sold.

The temporary lowering of heat units in the

gas supplied has caused much dissatisfaction on the part of the gas-consuming public. Complaints have been made to the state public service commission, but that body has refused to consider such complaints on the ground that it is without power to regulate public utilities owned by a municipality and operated either directly by it or by others under lease.

The principal points at issue are whether the candle power standard should be permanently abolished; what heat unit equivalent should be substituted—and the question of supplying a lean gas will undoubtedly enter into this determination; and finally what change, if any, should be made in the price of gas. Since the gas facilities revert to the city in 1927, and if the gas standard will be changed anyway eventually, it is especially advantageous to the city to have the change made now in order to reap the greatest possible benefit from the expenditures by the company for extensions and improvements in the remaining seven years of the lease.

JAMES W. FOLLIN.

*

New York Agitated by Governor's Traction Program.—Governor Miller recently sent a special message to the legislature on the New York city traction problem which aroused much excitement among both friends and enemies. Several prominent Republicans of the city are opposed to the governor's plan and Tammany has seized upon it vigorously as a weapon in the mayoralty fight next fall.

The governor's opponents are largely concerned with what is believed to be denial of home rule in traction matters. His message favored the establishment of a state-appointed transit commission of three members for New York city with power to investigate and also to act. He suggests that the city's powers with respect to transit be reduced to the minimum guaranteed by the constitution—which he defines as the right to consent or refuse to consent to the routes and general plan of construction of proposed transit lines—plus the right to say whether municipal credit shall be used to provide funds for transit purposes. This means that the new transit commission will have power to modify

the dual contracts without the consent of the city, and to increase fares generally on the local transit lines.

The governor calls for a complete unification of all the transit lines of the city with some arrangement for ultimate municipal ownership, but he does not call attention to the fact that this can be secured only with the consent of the companies. The power to be conferred upon the new transit commission will be a power to surrender the city's rights without power to compel the companies to give up anything except by negotiation. The governor does not recommend service-at-cost under that name, and apparently does not favor it in the form of a contractual relationship. At the same time, he appears to favor the principles of service-at-cost in the form of flexible fares under state regulation and regards this as an intermediate step to ultimate municipal ownership. Distinctly he favors some unified plan by which the city's transit facilities shall be made fully self-sustaining and a rate of fare can be secured which will be uniform at any given time throughout the city. The governor would not leave to the municipality any voice in the determination of its transit policy, except in the way referred to above.

The New York City Club in its report on the governor's program does not find in it the open sesame to the traction millenium. It criticizes as false the theory that the problem is not a local one. While demanding a unified system, without which his service-at-cost plan is impracticable, the governor does not state how it can be secured. His implication is that this can be done by voluntary agreement, clearly impossible except at a prohibitive cost. The report points out that the governor's emphasis is upon the legal and fiscal aspects of the situation, which do not go to the heart of the problem.

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Motor-Bus Companies Organizing to Succeed Top-Fare Trolleys.—A natural, but to the average electric railway operator, unexpected, result of excessive increases in rate of fare is the promotion of motor-bus companies which offer to replace the street railway system entirely and even to improve upon it at lower rates of fare. These companies are not to be confused with the jitney operator as they assert their willingness to assume the usual obligations of common carriers. A fertile field for these promoters is in small cities where the fare on the trolley has gone to 8, 9 or 10 cents, for at these rates the more flexible

motor-bus has a living chance to make good in short-haul service, although a 5-cent motor-bus service is out of the question. An example of this tendency is afforded by Gloucester, Mass., which is in the territory of the Eastern Massachusetts Street Railway Company. The latter company is now charging a 10-cent cash fare in the several districts under which the property has been divided by the state's board of trustees who manage the railway. Deficits in each district must be met out of public funds or else the service is subject to withdrawal. Thus the people in a small city like Gloucester must not only pay a 10-cent fare but must also be prepared to meet any deficit arising therefrom. It is not surprising, therefore, that at the municipal election December last, the voters decided overwhelmingly not to subsidize the street railway system, and that there should now be before the municipal council a proposition from an organization, naming itself the Worcester Auto-Bus Company, to become the common carrier in place of the railway. An obvious deduction from events like these is that if the electric railways wish to remain in business in towns where real mass transport does not enter they must be willing to do two things: First, cut rental and other overhead charges to the bone; second, install motor-bus service themselves where the self-propelled vehicle really is needed.

WALTER JACKSON.

★

A New Federal Code.—It is expected that the bill codifying the federal laws will pass at the short session and thus give to the 66th congress the credit for providing for the country the first real code of federal law which has been compiled, as the Revised Statutes of 1874 laid more stress on revision than on codification. The stupendous task of complete codification of the general and permanent laws of the United States was undertaken by Congressman Edward C. Little at the beginning of this session of congress. The code will present all the general laws that have ever been passed in this country which still have effect. Repealed and executed laws have been eliminated and amendments have been incorporated. Riders on appropriation bills which have general or permanent effect have been grouped under proper headings.

This colossal task has been accomplished at an incredibly low price. Chairman Little estimates that the cost of preparing the code will come within \$15,000. As compared to the cost of

\$100,000 for the preparation of the Revised Statutes in 1874, this is certainly a bargain, when the present high prices of bookmaking are considered. Congressman Little, however, effected substantial savings by departing from established custom. He had the bill printed in the same style and page-size as the Congressional Record in order to save the cost of reproduction in final form after enactment by congress. As soon as the bill is passed, the set-up type in the government printing office can be stereotyped and used to print the pages of the completed volume. In order further to save expense and reduce bulk, the title headings of enumeration and side notes have been eliminated. Each item bears its own title in larger type. The code will contain about 1,100 pages, with, perhaps, 11,000 sections grouped under 60 titles and will be bound in a single volume for convenient reference.

HARLEAN JAMES.



Charter Revision for New York City.—Measures are being taken in three different quarters (one of them of official character) which have as their object the radical revision of the Greater New York charter.

Senator Meyer has introduced a resolution in the state legislature authorizing the appointment of a legislative committee to consist of five assemblymen and four senators, which shall inquire into the defects of the present charter and report back its recommendations and remedies before February 1, 1922. A non-partisan citizens' committee, composed of unofficial representatives of various civic organizations, is being formed with the intention of making a *de novo* inquiry into the administrative organization of the city, and of attempting to remove from the body of the charter those sections which properly should be incorporated in an administrative code. The Real Estate Board of New York already has initiated a detailed examination of the charter and announces its intention of making a determined effort for the virtual abolition of the county governments in so far as this can be accomplished without constitutional change. It also proposes to deprive the five borough presidents of their places in the board of estimate and apportionment, and to substitute in their stead the chamberlain and the collector of revenue. Both of the last named are at present appointive officers, but would become elective if the board's plan were carried out.

The creation, abolition and consolidation of

various city departments and bureaus is contemplated. The most far-reaching proposal of this character is that a department of public works be created, which shall take over all public work, including docks and bridges and the construction of school buildings. This would involve the abolition of the department of plants and structures together with the public works departments in the five boroughs.

The situation thus presented is featured both by unusual opportunities and serious hazards in about equal proportions. There are few who will defend the present organization of the New York city government. On the other hand the several plans for relief which have been put forward are widely divergent. It is in this that the chief danger to early charter revision lies. With two voluntary groups already at work, and the prospect of a legislative committee entering the lists at an early date, there is a possibility, too-real to be taken lightly, that the great body of popular support, which readily could be enlisted in behalf of a single plan of revision, will be hopelessly divided against itself in sponsoring the adverse claims of three or more bodies.

CLARENCE B. SMITH, JR.



Massachusetts Billboard Regulations.—Last May the Commonwealth of Massachusetts passed an act to provide for the regulation of advertising signs and devices within the public view. This was in effect an enabling act. It provided that the division of highways of the department of public works should, within sixty days after the passage of the act, "make rules and regulations for the proper control and restriction of billboard and other advertising devices." Cities and towns were specifically authorized further to regulate and restrict billboards by ordinance or by law not inconsistent with the state regulations.

In October the Massachusetts Federation of Planning Boards suggested to the division of highways regulations which it was hoped would be adopted. While the regulations issued on December 20, 1920, by the division of highways did not go as far as the recommendations of the federation, the rules put into effect are a distinct step forward. Outdoor advertising must be licensed annually and a charge of fifty dollars a year is made. Permits, which run until revoked, must be secured before any sign can be located, and each sign is required to carry the serial number of the permit. No outdoor advertising

is permitted "within the bounds of any highway, nor on any location within 300 feet of any park, parkway, playground, state reservation, or public building," nor "upon any rock or tree, nor upon any fence or pole bordering any public highway."

The division reserves the right to pass upon the subject matter displayed and to approve of size, shape and material of the signs. The owners of billboards are required to keep signs from the ground and free from all rubbish, or "any material which the division may consider disadvantageous to the community."

The division enunciates a principle when it incorporates in its rules a specific provision that "no permits shall be granted for the location or maintenance of signs near certain highways in territory which, in the opinion of the division, is of unusual scenic beauty. Such places will be designated by the division from time to time."

H. J.

*

Civil Service Threatened in Two States.—

New York and Connecticut, the one a pioneer and the other a late comer into the group of states protected against political spoilsman by a merit system, are just now passing through a threatening crisis. In the one case an investigating committee of legislators and in the other a member of the lower branch of the legislature leads the attack. The Connecticut legislator would do no less than quietly and finally expunge the whole civil service law from the statute books. This action is proposed in spite of the comparatively inoffensive nature of the Connecticut law, which in its present form permits any officer or group of employees to petition the governor to declare positions exempt. Moreover, the governor's authority in any such decision is quite untrammeled, as he is under no obligations to justify his action either to the civil service commission or to the public.

The attack in New York state is aimed on the other hand at only one group of positions, namely those under the state industrial commission. But in point of numbers more than 1,100 offices and positions are involved. Apart from calling for a thorough overhauling of the organization of the commission, the so-called Knight-Brady Bill provides that the heads of all divisions under the industrial commission shall be considered "of a confidential nature" and that they may, therefore, be appointed without competitive examination. Furthermore, the commissioner-to-be is given absolute power over the fate of all employees. He may "transfer officers or employees from their positions to other posi-

One Appropriation Committee in Congress.— In anticipation of the passage of the budget bill the house of representatives in the short session has enlarged the appropriations committee from 21 to 35 members by adding 7 Republicans and 7 Democrats. The new majority members have been made chairmen of sub committees. Through its 15 sub-committees the appropriations committee has handled 15 separate appropriation measures under the following titles: *agriculture; army* (including Military Academy); *diplomatic and consular; District of Columbia; fortification; Indian; legislative, executive and judicial; navy; pension; post office; river and harbor; sundry civil and deficiency*. Those in italics are new committees. The house committees on agriculture, military affairs, foreign relations, Indian affairs, naval affairs, post office and post roads, and rivers and harbors are continued as before to deal with all other matters except appropriations in their respective fields. Each new sub-committee has on it at least one member of the appropriations committee as it existed at the last session. With the exception of this thread of co-ordination the bills have been handled quite as they were before the change and the chairmen of the sub-committees have appeared on the floor of the house to steer their particular bills to the most favorable action possible to secure.

Up to date, therefore, the sum total of accomplishment is that *all* appropriations now pass

tions in the department, or abolish or consolidate such positions. The commissioner may remove from office any officer or employee in the department."

The two proposed measures are fortunately meeting with vigorous opposition. The hearings in Albany brought forth a series of protests from influential organizations and individuals that cannot have failed to make an impression on the thoughtful public and the committee, and although the lower house in Connecticut passed the bill under suspension of the rules and without debate, it was promptly tabled in the senate. This action has recently been followed by the introduction of a series of amendments to the present civil service act that will, if adopted, both strengthen and improve it.

W. E. MOSHER.



Federal Court Enjoins Indiana Coal Commission.—The price-fixing powers of the special coal and food commission of Indiana, described in the December 1920 REVIEW, have been set aside by a temporary injunction issued by the Federal district court. Although the injunction applies to two companies only, it will, of course, control the action of the commission in dealing with all other companies.

The injunction was based on the theory that the price-fixing powers exercised by the commission would be an interference with interstate commerce as well as with pre-existing contracts. The underlying foundation question as to whether the coal industry is impressed with public interest was left over for a decision at a final hearing. Under this order the commission was enjoined from fixing the price of coal or requiring the company to deliver a fixed amount of coal or issuing any orders interfering in any manner with existing contracts providing for the sale and delivery of coal or requiring the company to produce its books for inspection or from instituting either criminal or civil suits to compel the plaintiff to carry out the orders of the commission.

The special powers of the commission expired in March under the terms of the statute and there is a general feeling among its supporters

that its emergency purpose has been accomplished.



P. R. in Many Lands.—In Canada, Winnipeg, Vancouver, and Victoria have just held their first municipal elections under P. R. In Vancouver 87½ per cent of the voters helped to elect aldermen, in contrast to 49 per cent at the last election under the old system. The percentage of spoiled ballots in Vancouver was only 2.8 less than in some recent elections under the old system. In all three cases the official count was completed without difficulty in less than two days.

In Ireland, the home rule act passed recently by the British Parliament provides for the elections of both northern and southern parliaments by the Hare system of proportional representation. The All-Ireland Trades Union Congress, the British Labour Party, and the Standing Committee of the Irish Peace Conference have recently demanded that the solution of the Irish problem be referred to a constituent assembly elected by the Irish themselves according to the principle of proportional representation.

In India the first elections under the Hare system have recently taken place. The new electoral provisions prescribe P. R. for three selected constituencies of the new Indian national and provincial legislatures and permit its extension to other elections.

In Europe the new countries of Georgia and Jugo-Slavia elect their parliaments by simple party list systems of proportional representation. The treaty of peace with Turkey prescribes P. R. for the protection of minorities in Smyrna and other regions in Asia Minor.



City-Manager Bills Introduced.—At this writing it is too early to know the fate of the bills introduced in the legislatures of Indiana, New Jersey and Wyoming, permitting cities to adopt the manager form of government. The Indiana bill permits cities to choose between manager and commission government. The New Jersey measure adds the manager form to the present optional commission government law.

II. JUDICIAL DECISIONS

Delegation of Taxing Power.—The tax equalization Act of Georgia provides that the Board of County Assessors shall meet each year and

fix a fair valuation upon both real and personal property. It further provides that if a taxpayer is dissatisfied with the action he may,

within ten days, demand an arbitration by a board made up of three persons—one appointed by himself, one by the assessors, and the third appointed jointly by the two others. The law further provides that they shall render their decision within ten days from the date of naming of the arbitration board, otherwise the decision of the Board of Assessors shall stand and be binding.

In the instant case the plaintiff made his return, valuing his property at \$44,000. The County Board of Assessors, without hearing, raised the assessment to \$80,000. Notice was then given to the plaintiff of the increase. The plaintiff demanded an arbitration board, which met and decided that the amount fixed was excessive but could not agree upon the correct assessment. The levy was attacked on the ground that it violated the Due Process of Law clause of the constitution. Twice the Supreme Court of Georgia held the law constitutional. On removal of the case to the United States Supreme Court, it was held that if the legislature of the state, instead of fixing the tax itself, commits to the subordinate body the duty of determining whether and in what amount, and upon whom the tax shall be levied, due process of law requires that at some stage of the proceedings before the tax becomes irrevocably fixed the taxpayer must have the opportunity to be heard, of which he must have notice, whether by publication or by some statute fixing the time and place of the hearing. Further, the court held that in this case the taxpayer is subject to an assessment made without notice and hearing, and that the taxpayer did not receive any notice, nor was the opportunity ever given him to be heard before the assessment was finally made against him; that the statute contemplated only a hearing in the event of his dissatisfaction and through the Board's arbitration, which was not such a hearing as came within the contemplation of the Fourteenth Amendment.¹

*

Making Medical Association the State Board of Health.—An Act of the Alabama legislature making the State Medical Association the Board of Health in the State of Alabama was attacked on the ground that it was beyond the power of the legislature to confer the authority granted in the law to a purely private corporation. To this contention the Supreme Court held that the Act

¹ 41 S. C. 27.

Turner v. Wade.

was valid. By virtue of the law the admittedly private association became a public board and that the powers were delegated or conferred upon this latter organization, and not upon the medical association as such. A further objection was raised on the ground that the members of the Board were necessarily selected by members of the Medical Association acting in their private capacities, governed only by the rules of the Association and responsible neither to the state nor to the people. The court held that because of the practical value of having such a board selected by skilled bodies having peculiar interests in the successful administration of the law, and that because of the quasi public character of the Association, such an objection could not be sustained.²

*

Delegation of Legislative Powers.—The statute of Illinois empowered the State Fire Marshall and other named officers to order remedied or removed any building or other structure which, for want of repairs or by reason of age or dilapidated condition, or any other cause, was especially liable to fire, and which was so situated as to endanger other property or persons. It also provided that a property owner, who believed the order unjust, could appeal to the state fire marshall who would investigate the matter, but unless he revoked the order, it should be complied with.

Held that the statute was unreasonable as a delegation of legislative power. The majority opinion based their decisions on the grounds that there was no rule laid down to determine when a building is especially liable to fire. The discretion was left entirely with the fire marshall. The minority opinion held that the provision for inspection by fire marshall gave the property owner his day in court.³

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Municipality Can Act Beyond Boundaries Only When Empowered.—A tax district bordering on the water front had power given by statute for improvements "within the district." It was proposed to create a park, including a pleasure pier, 50 feet of which was to lie within the boundaries of the district and to extend 750 feet beyond the exterior boundary line into the ocean.

² 86 So. 28.

Pocke v. Bradley.

³ 128 N. E. 377.

People ex rel. Gamber v. Sholen.

A taxpayer seeks to enjoin the issuance of bonds for such a purpose.

Held that an injunction should be granted on the ground that a municipality is competent to act beyond its boundaries, only in cases in which it is so empowered by legislative authority, or where the urgency, expediency or necessity demand. In many cases, courts have held that there are purposes for which a corporation may, without special legislative grant, purchase and hold extra territorial lands. The distinction seems to be that municipal authority in a governmental sense cannot be exercised outside the limits of the municipality. While municipal authority used in the mere exercise of business functions can be exercised outside of the limits, providing such functions come within the scope of the city's corporative authority.¹

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Undertaking Establishments May be Controlled and Prohibited Under Police Power.—An action was brought by a proprietor of an undertaking establishment to enjoin the enforcement of an ordinance prohibiting the locating of such establishments outside of certain zones.

Held, that the injunction must be denied because this ordinance comes within police power of the city. The court said that the police power of the city is that power which enables the city to prohibit all things hurtful to the comfort, safety and welfare of society. An undertaking establishment is not a nuisance *per se*, but there are numerous businesses that a city can exclude from residential districts because of their offensiveness to the senses, or a possible injury to

health, or an obstruction to the free use of property. Previous decisions indicate that undertaking establishments can be enjoined as a nuisance where it appears that obnoxious odors and gases would permeate the neighborhood. Under these circumstances the ordinance was held valid.²

*

Public Utilities Control.—In a recent Chicago railway case, testing the validity of a legislative act, the city claimed to have acquired valuable rights under the act by the contract under which it receives the greater part of the net income, and that, while the raising of the fares would not destroy the contract but would give the city more, the principle that the general assembly may control rates would permit lowering the fares, so that the share of the city in the net receipts would not be sufficient to enable it to purchase the property.

Held, that there is no basis for not maintaining the power of the general assembly to regulate rates of fare to the end that citizens of the state may be carried for a reasonable compensation for the service rendered, even if the city's share of the income from the property would not be sufficient to purchase the property. A municipality is a mere agency of the state, and, whether invested with the fee or a mere easement in streets, it holds them in trust for the people of the whole state, and, so far as their use for street purposes is concerned, every citizen of the state has an equal right, and is represented not alone by the city of Chicago but by the general assembly.³

ROBERT M. GOODRICH.

IV. MISCELLANEOUS

National Parks Conference.—The calling of the national conference on parks at Des Moines, January 10, 11, and 12, by the governor of Iowa, at the suggestion of the secretary of the interior, is significant in the park movement. Representatives were present from twenty-eight states. All forms of parks were discussed, but the value of state parks was particularly stressed. It was decided to continue the movement inaugurated at Des Moines by an informal committee which should call an annual conference, but it was thought that the work within the states should be conducted through existing organizations.

¹ 192 Pac. 702.

² *Mulville v. City of Santiago.*

The conference declared its belief:

1. That public parks, local, county, state and national are necessary for the best development of patriotism, of efficient manhood and womanhood, and of business and civic life in the United States.

2. That such parks should include not only ample and organized provision for recreation, but also for the preservation in their natural state of liberal areas embracing the varied types of prairie, forest, lake, drive and mountain scenery

³ 192 Pac. 716.

Brown v. City of Los Angeles.

126 N. E. 585.

Chicago Railways Company, et al. v. City of Chicago.

of America, as well as the natural wonders that distinguish our country.

3. That it is incumbent upon our governments, local, county, state and national, to continue to acquire sites suitable for recreation and the preservation of wild life, until eventually there shall be public parks within easy access of all the people of our nation.

4. That this conference, recognizing the fundamental value of forest recreation, recommends that in the establishment of further national, state, county and municipal forests, the recreational use of such areas be correlated with similar activities in other publicly owned areas.

To facilitate such accomplishment we recommend the appointment of a special committee to study the park laws of the several states and to confer with the executive committee of the national conference of Commissioners on Uniform State Laws, with a view to the preparation and presentation of model drafts.

5. That either as public parks or monuments, important historic sites and trails (both Indian and Colonial) should be preserved, marked, and maintained for the instruction and inspiration of this and future generations.

6. That all public parks, already acquired or later to be set aside shall be considered as forever dedicated to the people, and shall be held inviolate from commercial use and private gain.

7. That the creation of a sentiment favorable to the preservation of wild life, without as well as within our parks, is one of the great duties of our generation, and that the establishment of a Conservation Day—state or national—may be one of the surest means of developing such sentiment.

8. That it is important to develop a great system of inter-city, inter-state and national park highways, along which and along other routes of travel it is desirable to protect the natural trees and flowers and to restore such natural growth wherever it has been despoiled. It is particularly desirable to preserve large and characteristic trees along the highways to serve as memorials of the past.

H. J.
†

The Community Fair.—To most normal Americans the memory of a county fair is agreeable. At these fairs, far less frequent now than a generation ago, the country people had opportunity not only to engage in unwonted social contact for several days, but to exhibit the best of their

productions in farm animals, in vegetables, in home-made food products. The farm women could and did show quilts as well as cookery, and a natural interest in the speed of a horse was not diminished by the usual proximity of a trotting ring.

That live and prophetic proponent of country planning, Prof. F. A. Waugh, of Massachusetts Agricultural College, at Amherst, showed at the recent meeting of the American Civic Association at Amherst a model of a community fair, relating entirely to the products of the college and including what the college could do in fun and flowers as well as in vegetables and livestock. To the writer nothing exactly takes the place of this unique method of country interchange. It is therefore with gratification that the publication of "The Community Fair," an exceedingly good-looking pamphlet by E. L. Morgan, Extension Professor of Community Planning in the Massachusetts Agricultural College, is noted. This document appears as Extension Bulletin No. 27. It tells of the community idea and how it may be organized, how the fair may be financed and advertised, and contains the novel announcement that the fair is "for farmers, not fakers," which means that the all too frequent abominable things found at the old-fashioned county fair do not enter into the community fair as here planned.

The bulletin includes detailed suggestions as to the handling of the educational features of the exhibits, not excluding moving pictures and lectures, and emphasizing demonstrations, as, for example, of livestock judging, farm machinery, household appliances, butter- and cheese-making, etc. Suggestions for games and contests are given in detail. The methods of handling judges, what to exhibit in various classes, from the kitchen through the garden to the farm and its products, receive attention.

Very many times inquiries come to those of us who deal with betterment work in any form which might be summarized in the word "How?" This bulletin is the very excellent "How" of the community fair, and its use in Massachusetts ought to add to the comfort, prosperity and joy of living in that staid commonwealth.

J. HORACE MCFARLAND.
†

City Planning Notes.—The national conference on City Planning has issued a handbook entitled "Municipal Accomplishment in City Planning and Published City Plan Reports in

the United States." It is edited by Miss Theodora Kimball, librarian of the School of Architecture, Harvard University. The information has been assembled largely by the Detroit City Plan Commission. No similar publication has been published since Mr. Ford's "City Planning Progress," 1917, which is now out of print. There is appended a supplement including the municipal appropriations for city planning in 1920, by Flavel Shurtleff, secretary of the National Conference on City Planning.

The fifth annual meeting of the City Planning Institute met in Baltimore on January 29.

A state conference on legislation regarding city planning and zoning met in Indianapolis on January 28.

*

The Civic Club of Allegheny County, the county in which Pittsburgh is located, recently celebrated its twenty-fifth anniversary. The afternoon was devoted to a series of meetings covering the various activities of the club and to a civic display. In the evening a grand pageant was presented depicting the problems with which the civic club has been confronted and the progress that has been made toward their solution during twenty-five years' effort for civic betterment.

Alex Dunbar is president of the club and Miss H. M. Dermitt, to whom much of the success must be credited, is secretary.

*

The Minnesota Tax Association held its fifth annual conference in St. Paul on January 19 and 20. The principal topics discussed were the proposed tonnage tax upon iron ore, the exemption of the federal farm loan bonds, and other securities from taxation, the proposed state income tax amendment and the plan for a model system of taxation as proposed by the committee of the National Tax Association. Members of the state legislature, state tax commissioners, county auditors, assessors and commissioners and others participated in the discussions. R. G. Blakey was elected president for the ensuing year.

*

New Jersey League of Municipalities.—On January 19 the New Jersey State League of Municipalities held its sixth annual convention at Trenton with an attendance of fifty-five delegates. Mayor Gillen of Newark was elected president. The executive secretary, S. H. Phinney, reported an active membership of one

hundred eighty municipalities, and outlined a program of work. The publication of *New Jersey Municipalities* will be discontinued, and the time and money thus saved will go into legislative service, active lobbying for desired legislation, and more intensive study of New Jersey municipal problems. The office of the League has been moved from Princeton to Trenton where closer contact with the legislature and the state departments will be possible.

The speakers were William P. Capes and Dr. Delos F. Wilcox.

*

Americans Honored Abroad.—Mr. and Mrs. C. G. Hoag, who have recently been visiting in England, were entertained just before their return home at a complimentary luncheon by the Parliamentary Committee for P. R. at the House of Commons. Lord Robert Cecil, chairman of the committee, presided at the luncheon.

*

U. S. Chamber Creates Civic Department.—Mr. John Ihlder, former secretary of the Philadelphia Housing Association, has gone to Washington as manager of the new civic development department of the United States Chamber of Commerce. Mr. Dorsey W. Hyde, Jr., has resigned as research director of the Packard Automobile Co. to become assistant manager of the same department.

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Duluth is doing a great deal of recreational work under the direction of Mr. J. R. Batchelor. Moving pictures, community dances and skating have been occupying most attention throughout the winter. The new collapsible warming houses which were installed proved a successful answer to the problem of a warming house in winter that is not unsightly in the summer.

*

Minneapolis has some new street car line extensions, and is adding much to the efficiency of the service. All commercial vehicles carrying passengers, baggage, or freight are required to file a bond of \$5,000 with the city comptroller, in accordance with a recent ordinance.

*

Edward T. Paxton has been added to the staff of the Bureau of Municipal Research of Philadelphia. He was formerly secretary of the bureau. Mr. Russell Ramsay, formerly assistant secretary of the National Municipal League, succeeds Mr. Paxton as secretary.